

**CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE**

**MEETING NO. 24
REGULAR**

**OCTOBER 6, 2003
7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

- | | |
|-------|---|
| 1-2 | A) OPEN COMMENT PERIOD |
| | B) CALL TO ORDER |
| | C) LETTERS AND PETITIONS |
| 3-4 | 1) CONSIDERED: 2003 Transit System of the Year Award |
| 5-6 | D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS |
| | 1) APPROVED: Approval of Minutes |
| 7-12 | 2) APPROVED: Appointments to the Rochester Public Utility Board |
| 13-20 | 3) APPROVED: City Adoption of a Resolution for Participation in State BioScience Zone Economic Development Plan |
| 21-22 | 4) APPROVED AS AMENDED: Licenses, Bonds and Miscellaneous Activities |
| 23-24 | 5) APPROVED: Transfer of Exclusive On-Sale Intoxicating Liquor License for KPC, Inc., dba Kathy's Pub |
| 25-26 | 6) APPROVED: Authorize amendments to the City of Rochester's License Agreement with JD Edwards, Inc., for Enterprise Software to Include Tech Foundation |
| 27-28 | 7) APPROVED: Approval of Accounts Payable |
| 29-30 | 8) APPROVED: Target Stores Grant |
| 31-32 | 9) APPROVED: Co-ownership Agreement between the City of Rochester and Elks Lodge #1091 regarding the purchase of a concession trailer |
| 33-34 | 10) APPROVED: Adoption of the Storm Water Utility Fee Credit Manual |
| 35-36 | 11) APPROVED: Noise Variance Permit for TH 52 Bridge Demolition |

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|-------|-----|--|
| 37-38 | 12) | APPROVED: Award of Contract: Trunkline Sanitary Sewer and Watermain to Service Portions of Sewer Service Area 28E, J7710 |
| 39-40 | 13) | APPROVED: Additions to the Municipal State Aid Street System |
| 41-42 | 14) | APPROVED: Change Order #2/Gillig Bus Order/FTA Project #MN-03-0081, MN-90-X166 |
| 43-44 | 15) | APPROVED: Routine Maintenance Agreement with MnDOT for TH 63 |
| 45-46 | 16) | APPROVED: Revocable Permit: RCS Properties |
| 47-48 | 17) | APPROVED: Stormwater Management Agreements |
| 49-50 | 18) | APPROVED: Owner Contract – Watermain & Hydrant to Serve the Ryan Electric Property – J5106 |
| 51-52 | 19) | APPROVED: Owner Contract – Basic Construction in Stonebridge – J5061 |
| 53-54 | 20) | APPROVED: Real Estate – Settlement for Right of Way for Easement for Public Utilities to Serve Fairway Ridge Senior Housing Development |
| 55-56 | 21) | APPROVED: Parking Meter Changes on 10 Block 2 nd Street NE and 400 Block 3 rd Street SW |
| 57-58 | 22) | APPROVED: Development Agreement – Pine Ridge Estates |
| 59-62 | 23) | APPROVED: Consideration of Public Utility Board Action |
| | 24) | APPROVED: Real Estate – Settlement for Right of Way acquisition for future 41st Street and utility extension J7710 |
| | 25) | APPROVED: Real Estate – Napa Driveway – request for modification in excess of permitted 32.00 feet width |

E) HEARINGS

- | | | |
|--------|----|--|
| 63-72 | 1) | APPROVED: Continued Hearing on Land Use Plan Amendment Petition #03-04 by Morris Memorial and Allen Koenig to amend Land Use Plan from Low Density Residential to Industrial on property located along the west side of TH63, east of East River Road NE and north of 41st Street NE. |
| 73-80 | 2) | APPROVED: Continued Hearing on Zoning District Amendment #03-09 by Morris Memorial and Allen Koenig to rezone from I to M-1 on property located along the west side of TH63, east of East River Road NE and north of 41st Street NE. |
| 81-104 | 3) | APPROVED: Continued Hearing on General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig |

- 105-106 4) **CONTINUED TO NOVEMBER 3:** Continued Hearing on Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat
- 107-116 5) **CONTINUED TO OCTOBER 20:** Continued Hearing on Final Plat #03-31 by Arcon Development, Inc. to be known as Crimson Ridge Second Subdivision
- 117-156 6) **APPROVED:** Continued Hearing on Proposed Special District #14 to be known as Pebble Creek by Western Walls, Inc.
- 157-158 7) **APPROVED:** Continued Hearing on General Development Plan #209 to be known as Pebble Creek by Western Walls, Inc
- 159-170 8) **APPROVED:** Zoning District Amendment #03-15 by Melinda T. Dively-White & John White to rezone from M-1 to R-1 on property located along the south side of Whynaucht Court SE.
- 171-202 9) **APPROVED:** Type III, Phase II Conditional Use Permit Request #03-46 by Franklin Kottschade for excavation permit of a substantial land alteration and quarry operation on property located south of 40th Street SW and west of TH63.
- 203-214 10) **CONTINUED TO OCTOBER 20:** Final Plat #99-24 by Franklin Kottschade to be known as Essex Estates 5th Subdivision
- 215-226 11) **APPROVED:** Final Plat #02-21 to be known as Stonebridge by Exemplar, Inc. Money Purchase Pension Plan
- 227-238 12) **CONTINUED TO NOVEMBER 3:** Final Plat #02-28 by Denny Peterson to be known as Pine Ridge Estates Fifth Subdivision
- 239-252 13) **APPROVED:** Final Plat #03-07 to be known as Stonehedge Estates Second Subdivision by Stonehedge Land Development LLC
- 253-254 14) **APPROVED:** Appropriations for 2004 Requests for Community Development Block Grant Program.

F) REPORTS AND RECOMMENDATIONS

- 1) Consider ALLCO Leaseback Proposal

G) RESOLUTIONS AND ORDINANCES
255-258

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10/6/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/06/03

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AGENDA SECTION: Letters & Petitions	ORIGINATING DEPT: Mayor's Office	ITEM NO. C-1
ITEM DESCRIPTION: 2003 Transit System of the Year Award		PREPARED BY: Mayor Brede

Mayor Ardell Brede will recognize the Public Works Department – Transit Division and Rochester City Lines as recipients of the 2003 Transit System of the Year Award.

Dual recipients of the Minnesota Public Transit Association's "Transit System of the Year" were awarded to the City of Rochester and Rochester City Lines, Inc. The City of Rochester, along with their partner and third party operator, Rochester City Lines, Inc. has managed ridership growth for seven consecutive years. From 1995 to 2002 ridership for the Rochester Regular Route service "Easy Rider" has increased by 49% (816,143 to 1,214,952). This performance is exceptional given the fiscal constraints and economic uncertainty over the past few years.

Each year this award is presented to the organization that has demonstrated achievement in efficiency and effectiveness – including reports on ridership, cost, safety, maintenance proficiency, agency policy and administration – and achievement of the organization's goals and objectives.

Easy Rider is the public transportation provider in the City of Rochester jurisdiction. Achievements in 2003 included:

- Cost per trip of \$2.21, the lowest rate in Greater Minnesota
- 44.3% revenue to cost ratio
- 49% ridership increase from 1995 to 2002
- Managed ridership growth and maintained operational costs
- Close attention to route structure, target marketing, and day-to-day operational management
- Strong partnership with third party operator, Rochester City Lines, for feeder services within the city limits
- Leadership in establishing park and ride lot partners throughout the city for efficient bus transportation to/from work, school and events

This outstanding example could not have happened without the great partnership that Rochester has with their third-party operator. If two recipients deserve this recognition it is the City of Rochester and Rochester City Lines; true partners in public transit services.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

A

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

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AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
CITY ADMINISTRATOR**ITEM NO.**
D-1-23**ITEM DESCRIPTION:** APPROVAL OF CONSENT AGENDA ITEMS**PREPARED BY:**
G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Appointments to the Rochester Public Utility Board
- 3) City Adoption of Resolution for Participation in State BioScience Zone Economic Development Plan
- 4) Licenses, Bonds and Miscellaneous Activities
- 5) Transfer of Exclusive On-Sale Intoxicating Liquor License for KPC, Inc., dba Kathy's Pub
- 6) Authorize amendments to the City of Rochester's License Agreement with JD Edwards, Inc., for Enterprise Software to Include Tech Foundation
- 7) Approval of Accounts Payable
- 8) Target Stores Grant
- 9) Co-ownership Agreement between the City of Rochester and Elks Lodge #1091 regarding the purchase of a concession trailer
- 10) Adoption of the Storm Water Utility Fee Credit Manual
- 11) Noise Variance Permit for TH 52 Bridge Demolition
- 12) Award of Contract: Trunkline Sanitary Sewer and Watermain to Service Portions of Sewer Service Area 28E, J7710
- 13) Additions to the Municipal State Aid Street System
- 14) Change Order #2/Gillig Bus Order/FTA Project #MN-03-0081, MN-90-X166
- 15) Routine Maintenance Agreement with MnDOT for TH 63
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- 17) Stormwater Management Agreements
- 18) Owner Contract – Watermain & Hydrant to Serve the Ryan Electric Property – J5106
- 19) Owner Contract – Basic Construction in Stonebridge – J5061

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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Request for Council Action

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October 6, 2003

- 20) Real Estate – Settlement for Right of Way for Easement for Public Utilities to Serve Fairway Ridge Senior Housing Development
- 21) Parking Meter Changes on 10 Block 2nd Street NE and 400 Block 3rd Street SW
- 22) Development Agreement – Pine Ridge Estates
- 23) Consideration of Public Utility Board Action

COUNCIL ACTION REQUESTED:

Motion to/ approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

1

AGENDA SECTION:

Organizational Business

ORIGINATING DEPT:

Mayor's Office

ITEM NO.

D-2

ITEM DESCRIPTION: Appointment to the Rochester Public Utility Board**PREPARED BY:**

Mayor Brede

I hereby submit for your approval the following appointment to the Rochester Public Utility Board:

Susan Parker

3125 Darcy Dr NE

Ms. Parker will fill the unexpired term of Paul Bourgeois. The term runs to January 2005.

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PERSONAL INFORMATION

Name Susan Parker Ward 5th
Address 3125 DARCY DR NE Zip Code 55906
Phone (H) 280-8707 (B) 287-2485 (FAX) _____
E-mail Parker.Sue@co.olmsted.mn.us

How long have you been a resident of Rochester? 20 YEARS

Are you or any of your family members presently employed by the City of Rochester or serving on any of the City's advisory boards?

Yes _____ No X If yes, explain: _____

EXPERIENCE AND EDUCATION See attached

Name of Employer: _____

Occupation: _____

Education: _____

Community Service/Activities: _____

Please list major responsibilities that you have had or currently have in a community project or organization or in your occupation:

Civic/Professional Organization Memberships:

ADDITIONAL INFORMATION

Please indicate why you are interested in being appointed to an advisory board, and why you feel you are qualified to serve on the advisory board(s) previously indicated.

What do you believe you could contribute if appointed to an advisory board?

How do you believe you would benefit if appointed to a Board or Commission?

I am **NOT** available for Board/Commission meetings on the following days / evenings (circle):

Monday Tuesday Wednesday Thursday Friday

CONFLICT OF INTEREST

Conflict of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain, or other personal interest. A conflict of interest may also occur if you hold a private or other public position in addition to your City advisory board which may interfere with your discharge of your City responsibilities. In accordance with these definitions, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No X If yes, please provide details on a separate sheet of paper.

Do you own any real property located in Rochester, other than your residence, in which you have a legal or equitable interest which, in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No X If yes, please provide details on a separate sheet of paper.

As a Board, Commission or Committee member, what issue(s) might cause conflict between civic responsibility and personal/professional interests?

As required by City ordinance, if appointed to a City advisory board, you must complete a disclosure statement and file it with the City Clerk.

You may attach a resume if you desire. The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Thank you for your interest in serving on an advisory board for the City of Rochester.

8-24-03
Date

Susan Parker
Signature

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PERSONAL INFORMATION

Susan W. Parker, CPA
3125 Darcy Drive NE
Rochester, MN 55901
Ward: 5th
Phone: (H) 280-8707
(W) 287-2485
Email: parker.sue@co.olmsted.mn.us

EXPERIENCE AND EDUCATION:

Employer: Olmsted County
Occupation: Controller
Education: Bachelor of Science in Accounting from the University of Wisconsin-Superior
Certified Public Accountant

Community Service/Activities: Served as a coach for youth cheerleading, Girl Scout leader, Finance Council member for Pax Christi Church, Served as Chair on the Finance Council, Finance Council member for Rochester Catholic Schools, volunteer for Ronald McDonald house and other charities.

Major responsibilities in occupation and/or community service:

As the controller for the Olmsted County Public Works I am responsible for the accounting, auditing and financing for the Public Works Department. The Department includes the solid waste facilities, road construction and maintenance, buildings, surveying and parks. I have been responsible for the financial reporting, budgeting and debt management for the department. The department budget varies based on the amount of construction each year. The normal average budget would be about \$30 million; the County is approximately \$120 million. I have been responsible for the issuance of debt. In the last year, Olmsted County issued debt for the interchanges projects on Highway 52 and 63, in addition to issuing debt on the air pollution control upgrade at the Waste-to-Energy Facility. As the controller, I am responsible for the rate recommendations to the Public Works Director and the County Board. I am also the Controller the Olmsted County Housing and Redevelopment Authority.

When I first moved to Rochester in 1983, I was employed by Southern Minnesota Municipal Power Agency, (SMMPA). The Agency was fairly new and I had the opportunity to work on several bond issues for the Agency. I was responsible for the financial reporting, budgeting and rate analysis work. I reported to the Director of Finance for the Agency.

Civic/Professional Organization Memberships:

Government Finance Officers Association
Minnesota Government Finance Officers Association

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Minnesota Society of CPA's

Additional Information

I feel that I have a strong finance background and a utility background that I can use to help Rochester Public Utilities achieve its goals. As I stated earlier my career in Rochester started with SMMPA. I learned about the utility business and its challenges. I am currently employed by Olmsted County and my finance responsibilities include managing the Olmsted Waste-to-Energy facility. The Waste-to-Energy facility uses refuse to create electricity and steam to light, heat and cool 23 buildings in the City of Rochester. I believe I understand the utility business, as well as having a strong public finance background.

I think I could contribute my public finance background to the committee. Rochester Public Utilities, much like the Waste-to-Energy facility is unique in that they are expected to operate like a business and yet they are government agencies. I believe my background can contribute in the financial area. Although I believe I can always learn more about electric power agencies, I do have an above average understanding about the business aspect of a utility.

I believe I would benefit by learning more about the utility business. I enjoy learning and growing in different areas. The utility business is facing some difficult challenges from environmental concerns to deregulation and green power issues. Although I am learning about these things as the County faces the same types of issues, I feel I will be able learn more to help the community make the right choices.

Conflict of Interest

I do not believe I have a conflict of interest by becoming a board member. If a conflict arises I will abstain from voting on such issues. An example would be a contract between RPU and the County.

I appreciate the opportunity to apply for Rochester Public Utilities Board.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10/6/03

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AGENDA SECTION: CONSENT	ORIGINATING DEPT: Administration	ITEM NO. D-3
ITEM DESCRIPTION: City Adoption of a Resolution for Participation in State BioScience Zone Economic Development Program		PREPARED BY: G. Neumann

The attached letter to the Olmsted County Board provides a detailed explanation of the two new economic development initiatives of the State of Minnesota; the JobsZ zone program and the BioSciences Zone program. The Council has previously approved a resolution of support for the JobsZ program and tax exemptions under that program. At this meeting, the Council will be requested to adopt a resolution of support for the City's participation in the BioSciences Zone program.

The BioSciences Zone program has some similarities and some differences to the JobsZ Zone program. The main similarity is that significant tax incentives are available to businesses under both programs.

Under the JobsZ zone program, there is an unlimited amount of state tax credits available to participating communities. Virtually all Greater Minnesota cities are eligible to participate in the JobsZ program. However, because the economy in SE Minnesota and in Rochester is stronger, in the view of the State officials, than other areas of Greater Minnesota, communities in this area will likely have only limited participation in the JobsZ zone program. In Rochester, we are trying to get the former Celestica Building and about 20 acres of vacant land in the City industrial park included. Other smaller communities in Greater Minnesota are likely to be approved for more sites and more acreage than Rochester.

The BioSciences Zone program is specifically targeted to the three cities of Minneapolis, St. Paul and Rochester where there is a linkage to the bioscience research being done at the U of M and Mayo Clinic. Like the JobsZ program, there are significant tax credits that might be available under the program. However, at present, there is a statewide limit of \$1 million in tax credits available under the BioSciences Zone Program which is not significant in comparison to the JobsZ program. There is to be only one BioSciences Zone and the Department of Employment and Economic Development (DEED) wants it to be shared jointly into three sub-zones in the three cities. We have been meeting with representatives of Minneapolis, St. Paul and DEED to accomplish this. There is a limit of 5000 acres total for this zone. Rochester has the ability to designate many sites for potential use for biosciences companies under this program. All three cities are considering the designation of between 500 and 1000 acres according to preliminary discussions. The staff has identified the sites in Rochester on an attached map and the acreage is approximately 600 acres. The local exemptions from City sales tax and property taxes will be considered on a case by case basis under this program. In contrast, those exemptions are automatic under the JobsZ program.

COUNCIL ACTION REQUESTED. Adopt the prepared resolution for BioSciences Zone Program with the sites identified, local tax exemptions to be determined on a case by case basis.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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RESOLUTION

Approval to Authorize Bioscience Zone Tax Exemptions

WHEREAS, the Minnesota Legislature found in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 2, as a matter of public policy, that biotechnology and the health sciences hold immense promise in improving the quality of our lives, including curing diseases, making our foods safer and more abundant, reducing our dependence on fossil fuels and foreign oil, making better use of Minnesota agriculture products, and growing tens of thousands of new, high paying jobs; and,

WHEREAS, the legislature further found that there are hundreds of discoveries made each year at the University of Minnesota, the Mayo Clinic and other research institutions that, if properly commercialized, could help provide these benefits; and,

WHEREAS, the Bioscience Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 2 allows for the formation of a Bioscience Zone; and

WHEREAS, an application for a Bioscience zone designation in the City of Rochester is being prepared for submission to the Minnesota Department of Employment and Economic Development by the City of Rochester; and,

WHEREAS, the City of Rochester chooses to support Rochester's efforts to grow and diversify its economy; therefore

BE IT RESOLVED that the City of Rochester Common Council, at its meeting held on ____ day of October, 2003, upon careful consideration and review, approves the specific areas designated in the application for Bioscience Zones, will consider the use of local exemptions on a case by case basis, and tax credits within the designated zones and encourages the Minnesota Department of Employment and Economic Development to approve the Bioscience Zone application being submitted by the City of Rochester.

BE IT FURTHER RESOLVED that the City of Rochester agrees to consider all of the local tax exemptions on a case by case basis, and credits required and provided for under the Bioscience Zone Legislation and agrees to forego the tax benefits resulting from the case by case approved local tax exemptions and state tax exemptions and credits provided under the Bioscience Zone Legislation.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2003.

ATTEST: _____
CITY CLERK

PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS _____ DAY OF _____, 2003.

(Seal of the City of
Rochester, Minnesota)

MAYOR OF SAID CITY



Mayor Ardele F. Brede
201 4th Street SE - Room 281
Rochester, MN 55904-3782
Phone: (507) 285-8080 Fax: (507) 287-7979



September 18, 2003

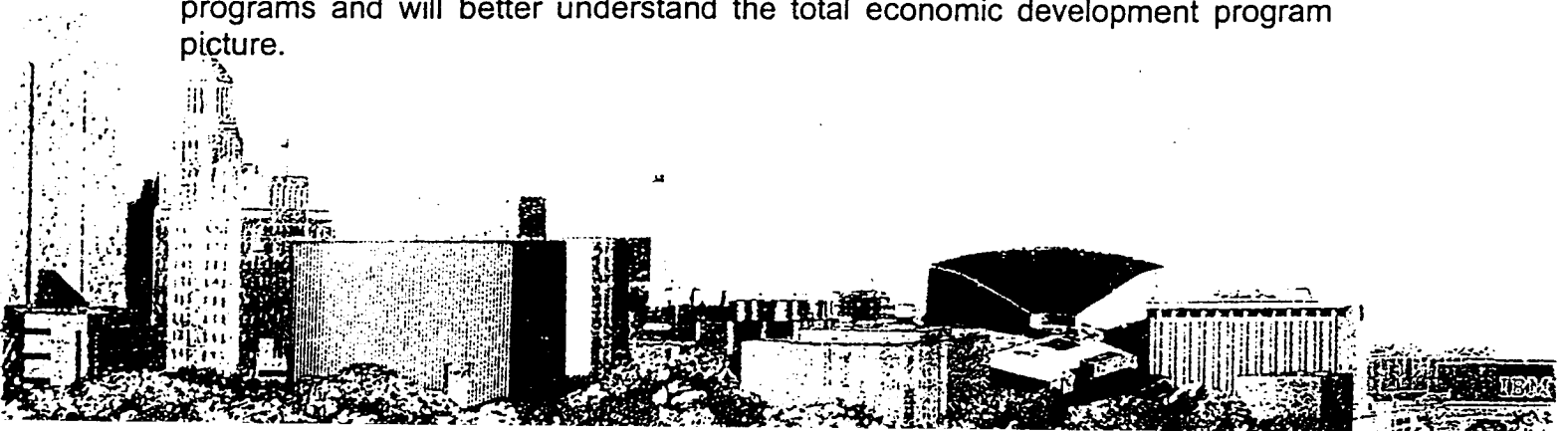
Matt Flynn
Chairman
Olmsted County Board of Commissioners
151 4th Street SE
Rochester MN 55904

Re: Resolutions of Support for Rochester Involvement in State JobZ
and Biosciences Programs

Dear Matt:

The centerpiece of the Governor's economic development initiative is the creation of two new programs, the JobZ Zone Program and the Biosciences Zone Program. These programs could be very beneficial for economic development and job creation for Rochester. In order to participate in these programs, the City must obtain a resolution of support and agreeing to waive local property taxes from the Olmsted County Board. At an upcoming Board meeting, representatives from the City of Rochester and RAEDI will be in attendance to brief the Board on these two programs.

The City staff and RAEDI staff are working on an application under these programs to be submitted to the Department of Employment and Economic Development (DEED). The overall objective is to identify and obtain State approval for sites in Rochester that would have access to the significant State and local tax credits and exemptions available under the programs. I will briefly describe both programs so that the Board is aware of the differences in the programs and will better understand the total economic development program picture.



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September 16, 2003

JobZ Program

The intent of this program is to revitalize economically distressed areas in Greater Minnesota through the provision of tax exemptions and credits to qualified businesses. In Rochester, the closing of the Celestica plant and other high tech job losses is the rationale for our participation in the program. Many communities smaller than Rochester in other counties will have considerably more sites and more acreage designated for State job creation tax incentives under this program. The County's support for some JobsZ Zone sites in Rochester, Stewartville, Byron and other Olmsted County cities will help keep our economy competitive with other areas of Minnesota.

DEED can designate up to 10 JobZ zones in the State, each containing a maximum of 5000 acres. The program is not intended to be applied to existing businesses, but is targeted to new development or vacant buildings. DEED has encouraged communities to partner and submit regional applications for designation. Rochester would be in a sub-zone with communities within all or portions of 10 counties extending from Mankato on the west to the Mississippi River on the east. Several other cities in Olmsted County will also be participating in this application and will require the County's resolution of support.

Sub-zone communities are required to identify specific parcels of land for inclusion in the program. The Rochester sub-zone application includes the Celestica property and building, which is currently vacant, and the remaining vacant land in the Rochester Technology Park. DEED reserves the right to eliminate specific sites and may not accept all the land that we have identified. Qualifying businesses that locate in the designated zones are exempt from local property taxes (except for the value of the land, debt service levies, and school operating levies approved prior to designation), state and local sales taxes, corporate franchise tax, income tax for operators and investors and capital gains tax. They can also obtain employment tax credits. The exemptions run for a period of 12 years. There is no State-wide limit on the amount of tax credits available. Qualified businesses are required to enter into a business subsidy agreement with the City.

In our view, any negative impacts of this program should be minimal, while the potential community benefits in terms of improving our economy and maintaining competitiveness with other communities could be significant. The land we have included in this zone in Rochester is vacant land with the exception of the Celestica parcel. The exemption from property tax payments for new development on vacant land is similar to what we have done for new industrial expansions under the tax increment financing program. The Celestica building is

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Matt Flynn
Page 3 of 4
September 16, 2003

currently within a tax-increment financing district and as such is not currently providing property tax revenue for the local government jurisdictions. Our hope is that the availability of tax credits under this program will serve to increase the marketability of the Celestica building to create new jobs at that site. We also hope that the tax credits for the vacant land within the Rochester Technology Park will provide a few sites for the growth and attraction of new industry that are competitive with sites with State tax credits in other communities in Greater Minnesota.

Biosciences Program

Under the Biosciences zone program, the DEED Commissioner is allowed to designate one biosciences zone that can contain up to 5000 acres of land. Tax credits and exemptions within this zone are restricted to biotech and health sciences industries. The legislation specifies that the selected zone applicant and participating communities must demonstrate a linkage to either of the research institutions at the U of M or Mayo.

The cities of Rochester, Minneapolis, St. Paul, which are home to the two research institutions, have been targeted as the bioscience zone in the State. DEED is hopeful that a joint application will be submitted from the three cities. We are working with those cities toward that objective. There is currently a limit of \$1 million in tax credits available statewide for this program. The Governor and DEED hope to increase the amount of tax credits in subsequent legislative sessions.

The major differences between this program and the JobZ program are that this program is much more limited in terms of the types of businesses that qualify, there are a much smaller number of communities that are targeted for involvement, there is a very limited amount of tax credits available, and the community has more discretion with regard to granting the property tax exemption.

The tax credits are similar but differ slightly from the JobZ program. The tax credits include: property tax credits (if approved by the City and County), state and local sales and use tax exemptions, corporate franchise tax exemptions, minimum fee for corporations, refundable jobs credits, and refundable research and development credits. The local property tax exemptions are automatic under the JobZ program, but are discretionary under the Bioscience Zone program. The city or county may provide a complete exemption, partial exemption, or no exemption to qualified businesses in the zone. However, local assistance incentives, such as exemptions from local property taxes and sales taxes, are

Matt Flynn
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September 16, 2003

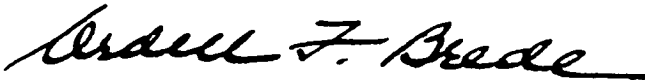
viewed as important to secure the approval for sites in Rochester and to secure some of the limited credits that are available. DEED has the discretion to approve the State tax credits and incentives for specific projects. The qualified businesses need to enter into a business subsidy agreement with the City.

The City will be considering the property tax exemptions on a case by case basis depending upon the specific benefits to the community to be obtained from the new industry and jobs. We likely will not be seeking any property tax exemptions for existing businesses in existing buildings under this program. However, we will consider agreeing to exempt property taxes for qualified businesses in new buildings that are constructed on vacant land in the biosciences zone lands in Rochester for up to the 12-year duration of the program. This would be similar to the City's prior use of tax increment financing assistance for industrial expansions. The property tax exemptions do not apply to land, debt service levies used to pay general obligation bonds, and school operating referenda (if approved by the voters prior to designation of the zone).

At this time, the City and RAEDI staff are working to complete the application and to identify the initial properties that should be included within the Biosciences zone application. There are provisions that enable a community to amend or revise its specific sites in the future if necessary.

I hope that this brief summary will aid the Board in their review of this matter. I believe that these programs are important to keep Rochester and other Olmsted County cities competitive with communities in other counties for economic development and job creation. This is essential for our citizens, businesses, and all the local government units.

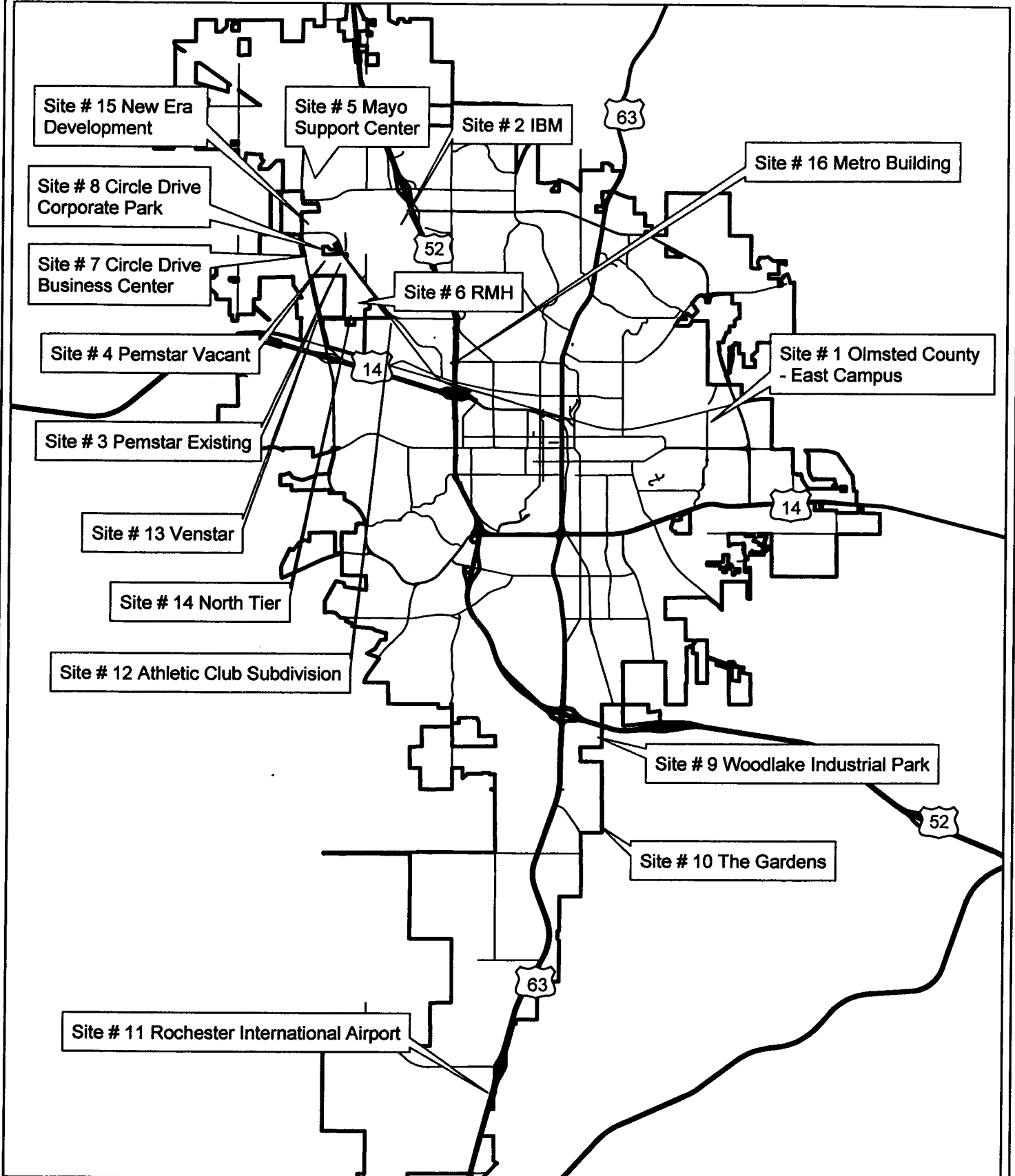
Sincerely,



Ardell F. Brede
Mayor
City of Rochester

c: City Council
Stevan Kvenvold
Gary Neumann
Gary Smith
John Wade

ROCHESTER BIOSCIENCE SUBZONE



0 2,625 5,250 10,500 15,750 21,000 Feet

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-4
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

GAMBLING – TEMPORARY

Honors Choirs of SE MN
1001 14th St NW
Rochester, Mn 55901
Raffle 11/22/03 AT
Holy Spirit Catholic Church
5455 50th Ave NW

HOUSE MOVING

Advance Building Movers, Inc.
4429 Walnut St SE
Rochester, Mn. 55904
House from 837 4th Ave SE to Maple Valley Rd SW

SIGNS

All-Brite Sign
13325 Commerce Blvd
Rogers, Mn. 55374

SOUND AMPLIFICATION

Local 21
105 N. Bdwy
Rochester, Mn 55906
Parade 10/16/03 3:30 PM to 4:30 PM

Local 21
Rally after Parade at Peace Plaza
10/16/03 4:30 PM

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

jr

LICENSES, BONDS AND MISCELLANEOUS ACTIVITIES

PAGE 2

OCTOBER 6, 2003

SOUND - CONTINUED

Local 21

Rally 10/17/03 11:45 AM to 12:45PM

In Front Of Victoria's Restaurant on 1st Ave SW

MISCELLANEOUS CITY ACTIVITIES

Buddhist Support Society, Inc.

4462 29th St SE

Rochester, Mn 55904

Local 21

105 N. Bdwy

Rochester, Mn 55906

Parade 10/16/03 3:30 PM to 4:30 PM

1st Ave SW to Center St to 2nd St SW to 2nd Ave SW to 1st St SW to 1st Ave SW

Local 21

Rally after Parade at Peace Plaza

10/16/03 4:30 PM

Local 21

Rally (Street?) 10/17/03 11:45 AM to 12:45 PM In Front Of Victoria's Restaurant

Street Closing Request (Under review by Police Dept) 1st Ave SW between Center St & 1st St SW

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous activities.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10/6/03

23

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-5
ITEM DESCRIPTION: TRANSFER OF EXCLUSIVE ON SALE INTOXICATING LIQUOR LICENSE FOR KPC, INC. DBA KATHY'S PUB		PREPARED BY: DONNA J SCHOTT

Application has been received from Murphy & Teal, Inc. for the transfer of the Exclusive On Sale Intoxicating Liquor License for KPC, Inc DBA Kathy's Pub located at 307 South Broadway. Gus Chafos was the former owner of the business. The name will remain as Kathy's Pub.

Murphy & Teal, Inc. are requesting the transfer be effective November 1, 2003. Transfer would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the transfer of the Exclusive On Sale Intoxicating Liquor License from KPC, Inc to Murphy & Teal, Inc. DBA Kathy's Pub located at 307 South Broadway.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03 25-

AGENDA SECTION:

Consent Agenda/Organizational Business

ORIGINATING DEPT:

Finance Department

ITEM NO.

D-6

ITEM DESCRIPTION: Authorize amendments to the City of Rochester's license agreement with JD Edwards, Inc. for enterprise system software to include Tech Foundation.**PREPARED BY:**
Dale Martinson

The City purchased certain software licenses from JD Edwards, Inc. for its enterprise system software on October 31, 2000. That software has since been installed and is operating as the City's main operational software for accounting, payroll, payables, receivables, job costing, purchase orders, etc.

The JD Edwards (now PeopleSoft) software has continued to be enhanced since our original purchase, with much attention being focused on the "web technologies", or those interfaces that can operate the system from a simple web browser, such as Internet Explorer™ or Netscape Navigator™. We have reviewed implementations of this technology elsewhere and examined costs of extending the enterprise system functionality to additional internal and external users.

We have determined this web interface technology has developed and been tested to such a level in the JD Edwards software that we are now comfortable in implementing these web interfaces on our system. The long term benefits include significantly lower licensing costs for individual users (client licenses) and the considerable savings in the amount of support time required to administer the clients. It should also make connection and use of the system more "user friendly" to the internal and, eventually external users.

As with our original purchase, JD Edwards is willing to provide significant discounts (50% to be exact) to their licensed products in advance of their financial year-end. Their licensed "Technology Foundation Upgrade", (including IBM Websphere, IBM Web Portal, IBM Universal DB2, and various connection pieces to make this work with JDE software) plus a year's maintenance would be charged to us at \$35,950. This pricing is also significantly less than we would have to pay for these items if we were purchasing them directly from IBM.

Funding for the amended software license fee would come from remaining monies in the JD Edwards project, J1971.

Recommended Council Action

Authorize Mayor and City Clerk to execute amendment to software license with JD Edwards, Inc. to include the Technology Foundation Upgrade in the amount of \$35,950 plus applicable taxes.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

27
MEETING

DATE: 10/6/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-7
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of \$14,023,199.16

Accounts payable of \$7,004,583.55

Total disbursements \$21,027,782.71

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10/6/2003

29-

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-8
ITEM DESCRIPTION: TARGET STORES GRANT		PREPARED BY: Roger Peterson

Target Stores has awarded the Rochester Police Department a grant in the amount of \$500 for the support of digital camera equipment for crime scene investigations. The Rochester Police Department would like to use the funds to purchase a quality digital camera.

Digital photography offers an opportunity to save money, and a better way to collect and preserve evidence. Unlike traditional film photography, digital images can be transmitted electronically.

The department's ability to use the latest technology in evidence collection benefits not only the department but also the community we serve.

COUNCIL ACTION REQUESTED:

Approval to accept the Target Stores Grant.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

31 ✓

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-9
ITEM DESCRIPTION: Co-ownership Agreement between the City of Rochester and Elks Lodge #1091 regarding the purchase of a concession trailer.		PREPARED BY: Capt. R. Krueger

The Rochester Police Department Crime Prevention Unit and the Elks Lodge #1091, a Minnesota non-profit organization, have agreed in principal to co-purchase a concession trailer that will be used to provide refreshments at various community events throughout the year. Such activities may include but not be limited to National Night Out, safety fairs, neighborhood association picnics, drug awareness presentations, etc. The Co-ownership Agreement will formalize the agreement between the City and the Elks and set the rules for the use of the trailer. Additionally, the agreement assigns responsibility to the Elks for maintenance, storage, licensing, and insuring the trailer except that both parties shall maintain liability insurance coverage for claims related to its use of the trailer.

The City of Rochester shall pay \$2,500.00 toward the purchase of the trailer; Elks Lodge #1091 shall pay the remainder. The city share of the purchase price shall be taken from Block Grant funds.

Law Enforcement

COUNCIL ACTION REQUESTED:

Approval of the Co-ownership Agreement.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

33/
10/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-10
ITEM DESCRIPTION: Adoption of the Storm Water Utility Fee Credit Manual		PREPARED BY: B. Huberty BSH
<p>On September 3, 2003, the City Council conducted a Public Hearing to receive comments on the proposed Storm Water Utility Ordinance. At that time, the Council chose to pass a resolution to set the storm water unit rate at \$12.77 per acre per month. Afterwards, the City Attorney gave the First reading of the Storm Water Utility Ordinance.</p> <p>The Storm Water Utility Ordinance provides for the establishment of a <u>Storm Water Utility Fee Credit Manual</u> (Manual) to provide Credits as an appropriate means of adjusting Fees for Non-Residential property owners that implement and sustain Structural and Non-Structural Best Management Practices that help reduce the City's storm water management burden. A draft version of the Manual has been available for public comment since mid-August. Comments received were given consideration for inclusion into the final Manual.</p> <p>The next steps in this process are as follows:</p> <ul style="list-style-type: none">▪ Give the proposed Storm Water Utility Ordinance, as amended, its second reading on October 6 2003.▪ Pass the Storm Water Utility Ordinance.▪ Pass a resolution adopting the <u>Storm Water Utility Fee Credit Manual</u>. <p>Upon its adoption and publication the Storm Water Utility Ordinance will be effective. The first Storm Water Utility Fee for all residential and non-residential customers would appear on the January 2003 RPU Billing Statement. Applications for Fee Credit may be submitted as soon as the Ordinance is effective (10/13/03).</p> <p>COUNCIL ACTION REQUESTED: Take the following actions regarding the Storm Water Utility:</p> <ol style="list-style-type: none">1. Pass a resolution adopting the <u>Storm Water Utility Fee Credit Manual</u>.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

35
10/6/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-11
ITEM DESCRIPTION: Noise Variance Permit for TH 52 Bridge Demolition		PREPARED BY: R. Freese
<p>Zumbro Rivers Constructors (ZRC), the TH 52 Design Build contractor, has requested in their September 25, 2003 letter to MnDOT, that a Noise Variance Permit be issued by the City Council for the demolition of the existing bridges at 19th Street NW, 2nd Street SW, and 6th Street SW.</p> <p>The City Council in April 2002 approved a general Noise Variance Permit for the TH 52 Project. That variance allows ZRC to work after 10:00 pm at night until 7:00 am in the morning anywhere in the TH 52 project limits provided that noise walls proposed for the project had been erected. The Council amended the Noise Variance permit in March 2003 to further clarify that the Variance does not apply to areas designated by MnDOT to receive noise walls until the walls are erected. At this time none of the noise walls have been erected. The Council did approve a similar Noise Variance Permit request earlier this year for the demolition of the Mayowood Road bridge.</p> <p>The bridge demolition work is tentatively planned for mid-to-late October 2003. The specific dates for the bridge demolitions have not been set. Each bridge could be demolished on separate weekends. The City and MnDOT have requested ZRC explore the feasibility of removing the 2nd and 6th Street bridges the same weekend. During the demolition work mainline TH 52 traffic will be detour to West Circle Drive.</p> <p>The Noise Variance requests seeks City Council approval for the demolition work to take place around the clock beginning at 9:00 pm on Friday night with the work to be completed no later than 7:00 am on Monday morning. The work will involve the operation of specialized construction equipment that generates high and repetitive noise levels.</p> <p>The only alternative to the night-time construction would be for MnDOT and the County to agree to close TH 52 and detour weekday traffic unto West Circle Drive for a duration of 3-4 weekdays plus Saturday and Sunday. This option is not recommended as it will create serious weekday traffic congestion and delays along West Circle Drive and will have a negative impact on businesses along the TH 52 corridor.</p> <p>There will be many persons inconvenienced by the noise and traffic detours associated with each of these three bridge demolition activities. City staffs supports the requested Noise Variance with the following noted conditions as having the least negative overall affect on the entire community.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>Adopt a Resolution for the demolition of the 19th Street NW, 2nd Street, and 6th Street SW bridges that will:</p> <ol style="list-style-type: none">1. Grant a Noise Variance for Fridays from 10:00 pm to 12:00 am.2. Grant a Noise Variance for Saturdays from 12:00 am to 7:00 am and from 10:00 pm to 12:00 am.3. Grant a Noise Variance for Sundays from 12:00 am to 12:00 pm and from 10:00 pm to 12:00 am.4. Grant a Noise Variance for Mondays from 12:00 am to 7:00 am.5. Require that ZRC distribute individual notices to property owners with 1,000 feet of the bridge demolition work area and provide daily NOTICES to the public through radio, television, and print media for a period of not less than 7 days in advance of the scheduled bridge demolition work and through the weekend period during which the bridge demolition work occurs.6. Require that ZRC complete the demolition of the 2nd Street SW and 6th Street SW bridges on the same weekend to reduce the inconvenience to the residents in that area and the traffic impacts.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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Zumbro
river constructors

2450 Marion Road SE • Rochester, MN 55904 • 507-281-9075 • Fax: 507-281-9077

September 25, 2003

Minnesota Department of Transportation
2450 Marion Road SE.
Rochester, Minnesota 55904

Attention: Mr. Terry L. Ward, P.E.
Project Manager

Subject: Noise Variance Waiver
TH 52 in Rochester
S.P. 5502-85

Dear Mr. Ward:

ZRC is requesting this letter be forwarded to the City of Rochester for approval. ZRC is requesting the Noise Variance requirements at 19th St., 2nd St. and 6th St. be waived during the demolition of bridges for the above mentioned streets. . The demolition of 19th and 2nd street bridges will happen sometime in the middle to late October and 6th St. after the 1st of the year. As you know, the work will be done over a weekend, so the affected nights will be Friday, Saturday and Sunday worst case. Nighttime work may be needed because of the size and amount of work to accomplish over one weekend. ZRC will try and limit the amount of night work dependent on conditions in the field and progress of work.

If you have any questions or require additional information, please feel free to call.

Sincerely,

Herb Morgan
Project Manager

Cc: Tim Odell, Jim Valentyn, Steve Kilcrease

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

37
10/6/03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-12

ITEM DESCRIPTION:

Award of Contract:: Trunkline Sanitary Sewer and Watermain to Service Portions of Sewer Service Area 28E, J7710

PREPARED BY:

J. Loehr

Bids were open after 11:00 AM on September 9, 2003 for the following local improvement project:

Project No. M2-40, J7710**"Trunkline Sanitary Sewer and Watermain Extension to Serve Portions of Section 20 of Cascade Township, Sewer Service Area 28E."**

The following bids were received:

S.L. Contracting	\$ 92,382.00	Low Bid
Swenke Company	\$ 93,172.00	
Elcor Construction	\$113,668.00	
Road Constructors	\$116,325.00	
Engineer's Estimate	\$122,748.00	

This project is included in the 2003-2008 Capital Improvement Program, Sewer and Water, Page 50, Item No. 15.

The Feasibility Report proposes that the project be funded from future sanitary sewer and watermain charges to the Shefelbine property as that property is developed.

Payment of the SAC charge for entire Badger Hills development of 70 acres is required within 30 days of written notice (invoice) from the City to Mr. Hamilton for payment of the SAC charge. The written notice will be sent to Mr. Hamilton after the award of contract and before the commencement of construction for project J7710. This advance SAC payment for the entire Badger Hills development meets the 60% commitment required prior to the award of contract.

Initial funding source 100% from Sewer Availability Charges.

COUNCIL ACTION REQUESTED:

If the City Council wishes to proceed a resolution could be adopted awarding the contract to S.L. Contracting.

Attachment: Project Location Map

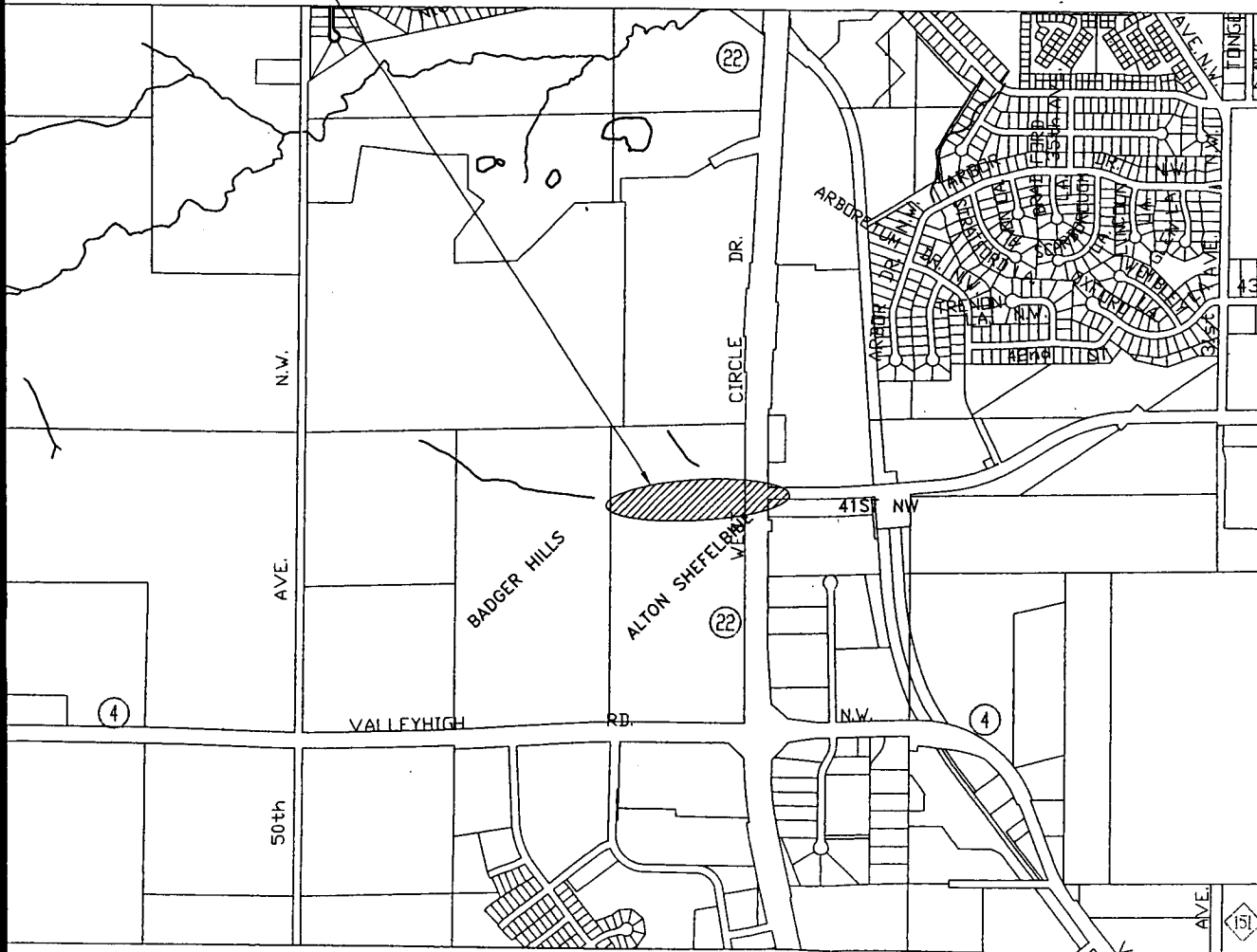
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

ROCHESTER

Minnesota

SEWER DISTRICT 28E
TRUNK SANITARY SEWER & WATER MAIN

PROJECT LOCATION



INDEX

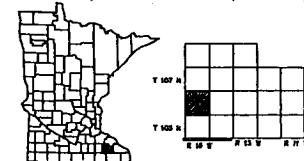
TITLE SHEET..... 1
PLAN & PROFILE..... 2-4

STANDARD DETAIL PLATES

THE FOLLOWING ROCHESTER DEPARTMENT OF PUBLIC WORKS STANDARD PLATES SHALL APPLY ON THIS PROJECT

PLATE NO.	DESCRIPTION
1-03E	STRUCTURE TYPES 3 & 3A
1-05F	CASTING SCHEDULE
1-07C	CONCRETE STRUCTURE ADJUSTING RINGS
5-02C	POLYSTYRENE INSULATION
6-04B	HYDRANT BRANCH DETAIL
6-05B	RESTRAINED JOINT DETAIL
6-06A	POLYETHYLENE ENCASUREMENT
6-08B	ELECTRICAL CONDUCTIVITY
6-09A	INSTALLATION DETAIL (WATERMAN)
7-01A	SLT FENCE DETAILS
7-04C	STABILIZED VEHICLE EXIT

Outline Map of Minnesota showing location of the County within the State. Outline Map of the County.



ROCHESTER

SEWER DISTRICT 28E
TRUNK SANITARY SEWER & WATER MAIN
CITY PROJ. M2-40 J7710

APPROVED *Douglas C. Roney* 8/21/03
BOON RICHARDSON
SVP - WATER DIVISION
DATE
APPROVED *James H. Lohr* 8/20/03
JAMES H. LOHR
WORK PROJECT MGR.
DATE
APPROVED *Douglas A. Nelson* 8/24/03
DOUGLAS A. NELSON
MANAGER OF ENGINEERING
DATE
APPROVED *Richard W. Freese*
RICHARD W. FREESE
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE

SANITARY SEWER DISTRICT 28E
TRUNK SANITARY SEWER & WATER MAIN
TITLE SHEET

343631.07/00/00/00
SHEET NUMBER
1 OF 4

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

39
10/6/03AGENDA SECTION:
CONSENT AGENDAORIGINATING DEPT:
Public WorksITEM NO.
D-13

ITEM DESCRIPTION: Additions to the Municipal State Aid Street System

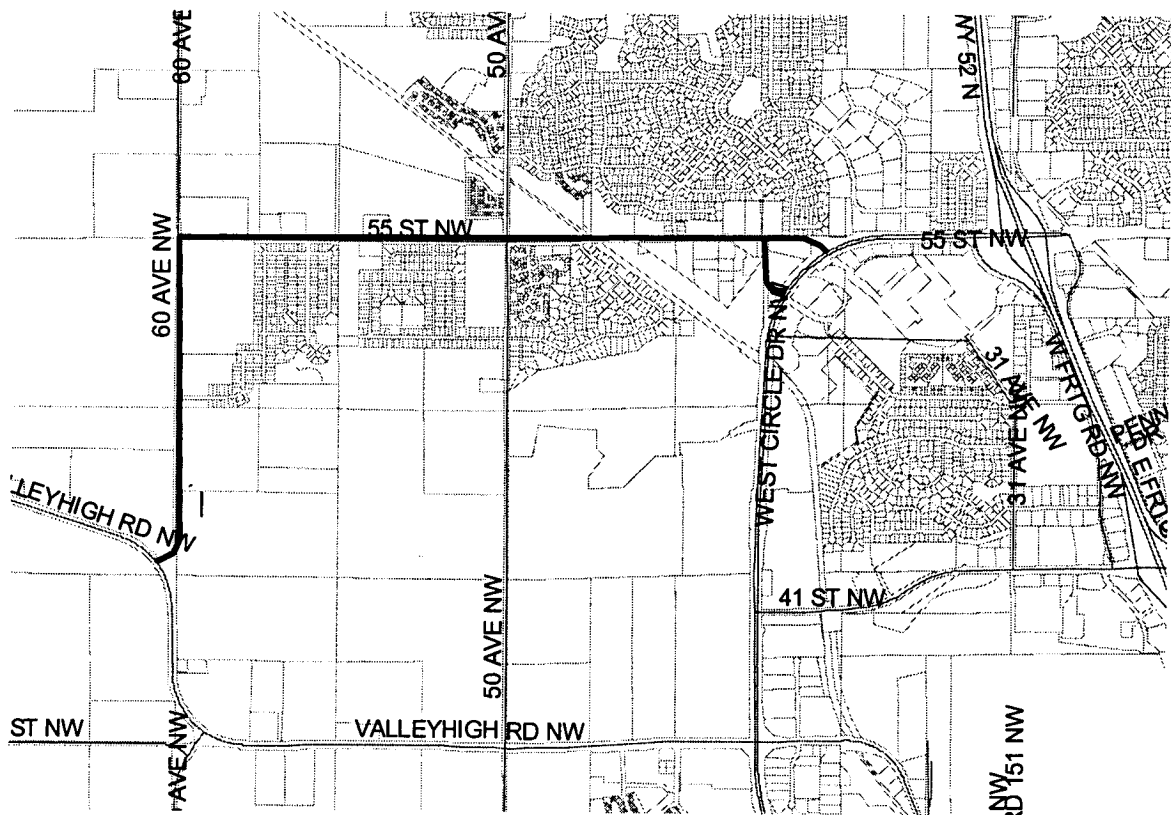
PREPARED BY:
D. Nelson

The Public Works Department requests that the City Council adopt a resolution adding these road segments to the City's Municipal State Aid System. The following road segments should be added:

- a. 55th Street NW from CSAH 22 west to 60th Avenue NW then south along 60th Avenue NW to CSAH 4 (2.71 miles)
- b. 41st Avenue NW from 55th Street NW south to CSAH 22 (0.18 miles)

Adding these segments to the City's Municipal State Aid System will enable us to use State Aid funds for costs of future work associated transportation capacity improvements in this corridor.

The City, as of 1/1/03, has 9.78 miles of undesignated MSAS mileage available.



COUNCIL ACTION REQUESTED:

1. Adopt a resolution adding portions of 55th Street NW and a future street segment along 41st Avenue NW to the City's Municipal State Aid System.
2. Provide these resolutions to the Commissioner of Transportation for his approval.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING 41 10-06-03
DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-14
ITEM	CHANGE ORDER #2 /GILLIG BUS ORDER / FTA PROJECT # MN-03-0081, MN-90-X166		PREPARED BY: A KNAUER <i>AK</i>

The City has a purchase agreement with Gillig Corporation for 6 buses to be delivered in February 2004. During the pre-build telephone conference some items were identified that staff is recommending be added to the order. The first item is to add an additional camera to the front of the bus aimed towards the street. Other transit operations have found the forward mounted camera is useful in accident analysis. The cost of this feature is \$450 per bus. In addition Safety Vision (the camera subcontractor) has agreed to upgrade the camera system from the last order including an additional playback station at no cost. Staff is also recommending purchase of extended warranty for 5 years and 300,000 miles on the engines at a cost of \$2,000 per bus. The current warranty is for 3 years or 100,000 miles. The cost of one engine replacement is estimated at \$18,000. The Federal Transit Administration (FTA) does not participate in the cost of extended warranties.

Change order #2 adds \$2,450 to the unit cost of each bus. The final unit price with Change Order #2 amounts to \$278,460. Adequate federal funds have been approved for 80% of the project cost (less the extended warranty). The City has the local funds in reserve for the local 20% plus the extended warranty.

Following is a recap of the project costs and funding with the change order #2.

Six Buses	\$1,656,060	
Plus Cameras	2,700	
Plus Extended Warranty	<u>12,000</u>	
Total	\$1,670,760	
FTA	\$1,327,008	(80% excluding warranty)
Local	<u>343,752</u>	(20% plus warranty)
Total	\$1,670,760	

REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving Change Order # 2 in the amount of \$14,700 or \$2,450 per bus with Gillig Corporation for the purchase of six buses; units 230 through 235.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

12

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

10/6/03

43

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-15
ITEM DESCRIPTION: Routine Maintenance Agreement with MnDOT for TH 63		PREPARED BY: R. Freese
<p>The Minnesota Department of Transportation and the City have had an annual routine maintenance agreement for many years for the section of TH 63 (Broadway Avenue) from 6th Street South to 13th Street North a total distance of 1.304 miles. Routine maintenance is defined as pavement patching and crack sealing, street sweeping, snow and ice control, litter removal, boulevard maintenance and traffic signal and sign maintenance.</p> <p>MnDOT has provided the City with a proposed Maintenance Agreement for a two-year period from 7/1/03 to 6/30/05. The proposed agreement reflects NO increase in the rate for City maintenance of the State Trunk Highway from the past year's agreement. The payment to the City is made quarterly and shall be \$10,189.44 for both the first and second year of the agreement. As in the past years, the City is not able to recover all of its cost for maintaining the MnDOT Trunk Highway at the proposed rates.</p> <p>Public Works staff has reviewed the proposed Maintenance Agreement with MnDOT and recommends City Council approval.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>Authorize the Mayor and City Clerk to execute a Routine Maintenance Agreement with MnDOT for the section of TH 63 from 6th Street South to 13th Street North for the period of 7/01/03 to 6/30/05.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING

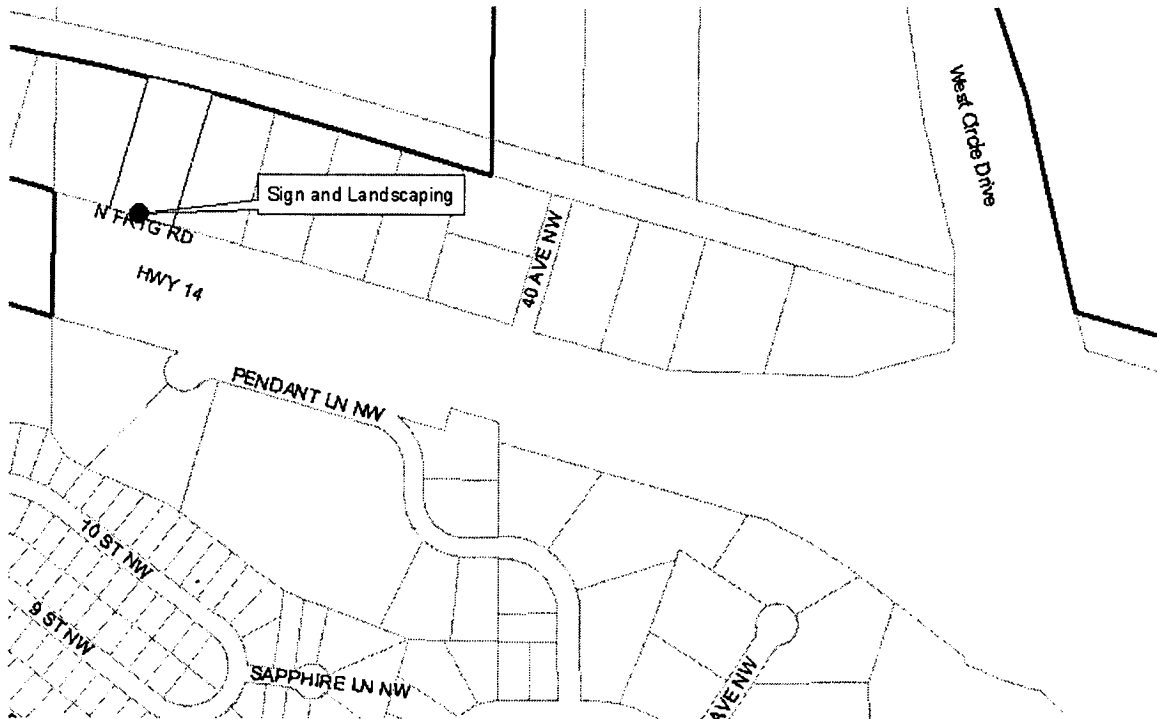
DATE: 10/06/03

45

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-16
ITEM DESCRIPTION: Revocable Permit: RCS Properties		PREPARED BY: M. Nigbur

RCS Properties, the Owners of Lot 3 Block 1 Cascade Industrial Park (along HWY 14 West) have requested the City issue a revocable permit for the placement of sign and landscaping within a small portion of the right of way and the abutting easement along the HWY 14 frontage road. Both the sign and landscaping have been in place for a significant number of years. This permit will formally allow the owners to continue the use. The proposed encroachment would not interfere with the in place utilities.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the revocable permit with RCS Properties (Rochester Cheese) for lot 3 Block 1 Cascade Industrial Park.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

46

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

47
10/6/03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-17

ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS**PREPARED BY:**M. Baker W3
mt

The Department of Public Works has received a request for two (2) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

- Ryan Electric Building (SDP#03-54) \$ 3,300.54
- Zeigler Inc. (dba Dirt Doctor Trucking, Inc.)
Lot 2, Block 1, Replat of Lot 2 Machinery Hill Subdivision \$ 1,452.46

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

17
p

REQUEST FOR COUNCIL ACTION

MEETING

49

DATE:

10/6/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-18

ITEM DESCRIPTION:

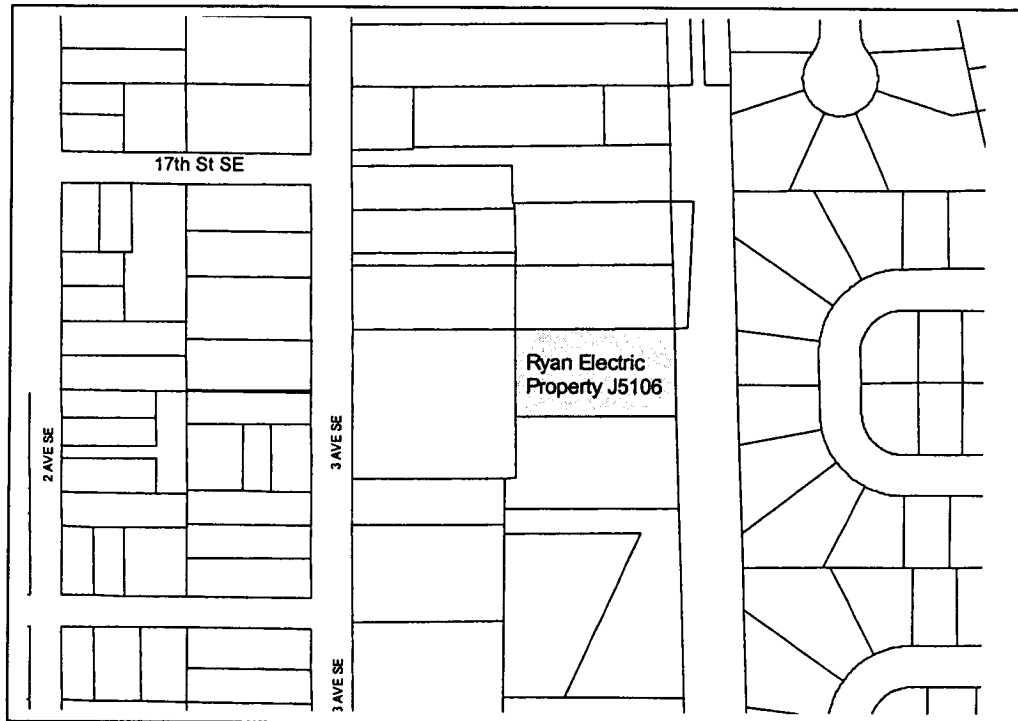
Owner Contract – Watermain & Hydrant to Serve the Ryan Electric Property - J5106

PREPARED BY:

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Michael G. Ryan & Kathie S. Ryan (Owners) & Fraser Construction, Inc. (Contractor) are requesting a City / Owner Contract J5106, consisting of "Watermain & Hydrant to Serve the Ryan Electric Property".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5106 "Watermain & Hydrant to Serve the Ryan Electric Property".

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

51

DATE:

10/6/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

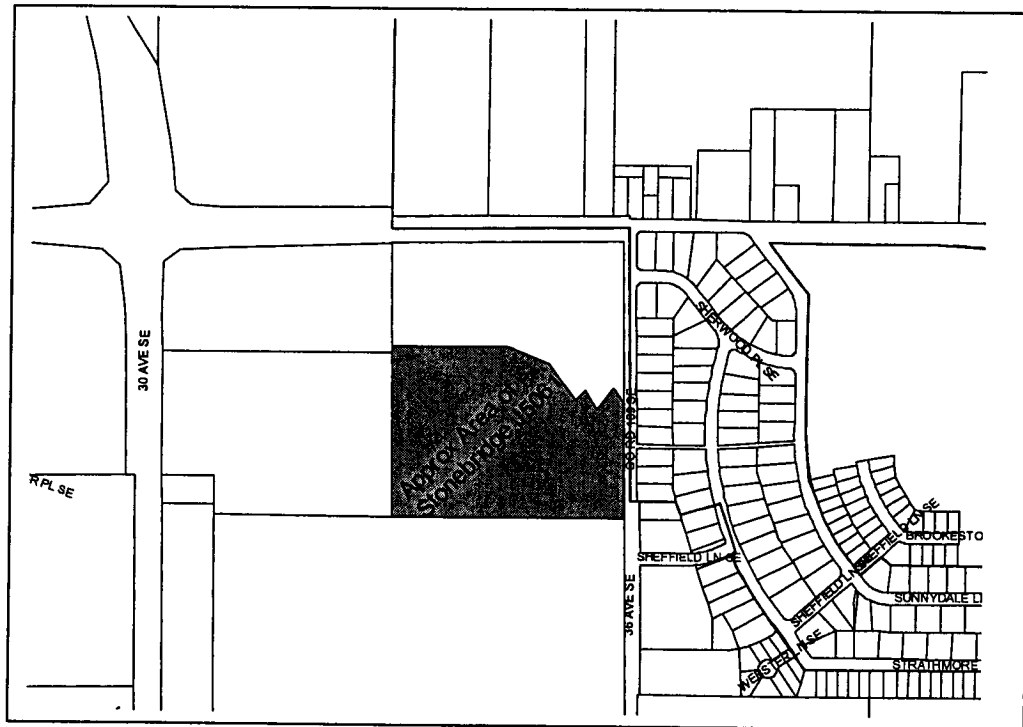
ITEM NO.

D-19

ITEM DESCRIPTION: Owner Contract – Basic Construction in Stonebridge - J5061**PREPARED BY:** *on**W* M. Baker *W*

Staff would offer the following Owner Contract project for consideration by the Council:

Exemplar, Inc. Money Purchase Pension Plan, a Minnesota Trust (Owner) & S.J. Louis Construction, Inc. (Contractor) are requesting a City / Owner Contract J5061, consisting of "Basic Construction in Stonebridge".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5061 "Basic Construction in Stonebridge".

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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REQUEST FOR COUNCIL ACTION

MEETING

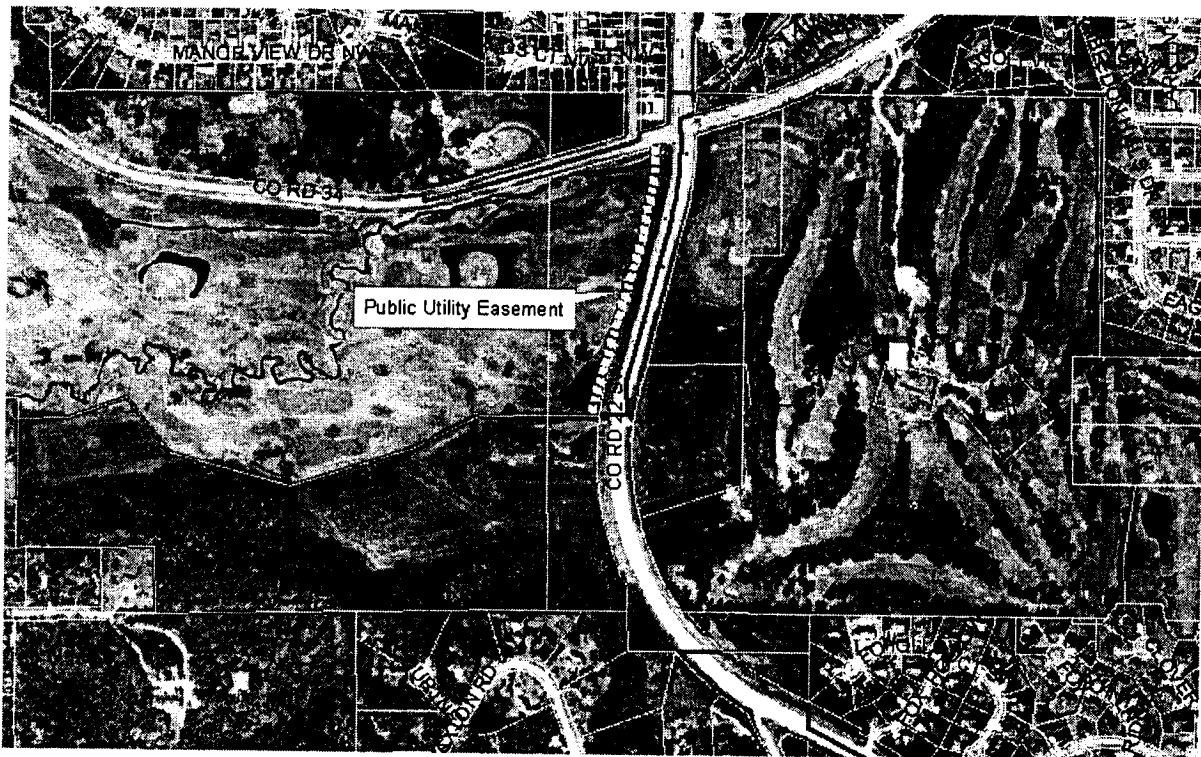
DATE:

10/06/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-20
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way for Easement for public utilities to serve Fairway Ridge Senior Housing development		PREPARED BY: M. Nigbur

The City Staff determined and negotiated the location and cost for the sanitary sewer and watermain to serve the Fairway Ridge Senior Housing development and other undeveloped/developed properties. The preliminary settlement is in the amount of \$25,000 and includes the conveyance of a 30.00 feet wide permanent utility easement and 30.00 feet wide temporary easement. The City will be fully reimbursed for the cost of the acquisition by the benefiting properties.

The City Staff recommend in favor of this Settlement Agreement. The Owner has executed the Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement for the easement on the Meadow Lakes Golf Property.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

5A

REQUEST FOR COUNCIL ACTION

MEETING 10-06-03
DATE:

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-21
ITEM PARKING METER CHANGES ON 10 BLOCK 2 ND STREET NE AND 400 BLOCK 3 RD STREET SW		PREPARED BY: A KNAUER

The City recently approved installation of 10 hour meters in the 10 block of 2nd Street NE. Staff finds that there is space for one additional meter on the north side. On the south side of the same street staff proposes posting "No Parking- at all times" from the end of the street to approximately 50' west to allow access for the abutting property.

It is recommended to expand the "No Parking- Monday - Friday, 6 a.m. - 6-p.m." on the south side of the 400 block of 3rd Street SW by eliminating one 90 minute metered stall. This space would be for backing trucks into a Mayo loading dock located in the Baldwin Building.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution amending the "**Comprehensive Parking and Traffic Resolutions Book**" per the following description.

Amend Section I Zone J Paragraph 10.5 adding one 10 hour metered space on the north side of the 10 block of 2nd Street NE (Space #17-30)

Amend Section B "No Parking Zones" adding Paragraph 44.1 to include the south side of the 10 block of 2nd Street NE from the Zumbro River west approximately 50 feet.

Amend Section B "No Parking Zones" renumbering Paragraph 44 (a parking restriction on 2nd Street NE west of 2nd Ave NE) to 44.2. (*There is no change to the restriction.*)

Amend Section I Zone G Paragraph 17 deleting a 3 hour meter space on the south side of the 400 block of 3rd Street SW (Space # 95-81)

Amend Section B "No Parking Zones Paragraph 80.5 "to expand the no parking on the south side of the 400 block of 3rd Street SW from 50 to 75" west of 4th Ave SW Monday through Fridays 6:00 a.m. – 6:00 p.m. (Space # 95-81).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/06/03

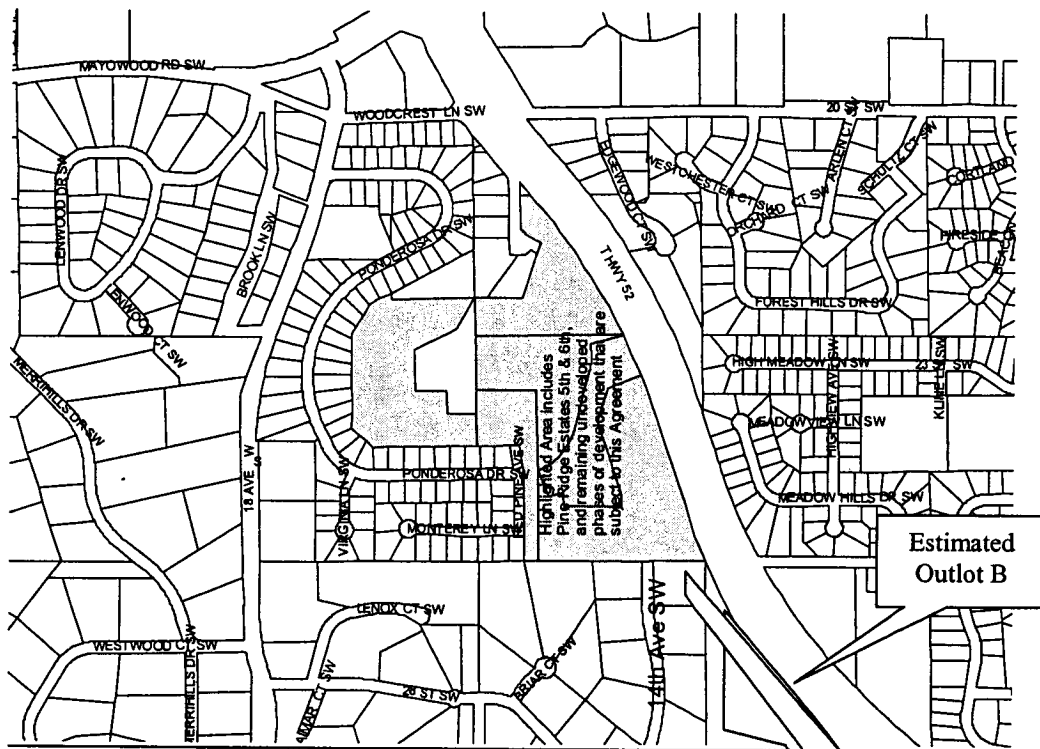
51

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-22
ITEM DESCRIPTION: DEVELOPMENT AGREEMENT _ PINE RIDGE ESTATES		PREPARED BY: <i>dn</i> <i>for</i> M. Nigbur <i>mn</i>

The Owners of the Pine Ridge Estates Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management
- Secondary Access
- Dedication of Parkland
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, and Substandard Street & Transportation Improvement District Charges.

Staff recommends the Council approve the Development Agreement. The developers have executed the Development Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Pine Ridge Estate Development Agreement with Dennis Peterson.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Up

59-

REQUEST FOR COUNCIL ACTION

Meeting

Date 10/06/03

AGENDA SECTION
Rochester Public Utilities

ORIGINATING DEPT:
Consent Agenda

ITEM NO.
D-23

ITEM DESCRIPTION:
Consideration of Public Utility Board Action

PREPARED BY:
Kathy Wilson

The Rochester Public Utility Board has approved the following on September 30, 2003 and requests the Common Council's favorable consideration:

- to approve a resolution to approve Change Order #1 to Purchase Order Agreement 46-257 with Siemens Westinghouse for professional services for tilting pad bearing modification to Cascade Creek Unit 1. The amount of the Change Order to be \$165,589.00, plus a 10% contingency to cover any unanticipated repairs when the machine is disassembled, for a total of \$182,148.00.
- to approve a resolution to approve an Addendum to the Participation Sales Agreement between the City of Rochester and Minnesota Municipal Power Agency and that the Common Council authorize the Mayor and the City Clerk to execute the addition of Article IX Coal Inventory.
- to approve a resolution proclaiming October 5-11, 2003 as Public Power Week.

GENERAL MANAGER:

Larry Koshin

COUNCIL ACTION:

Motion by: _____

Second by: _____

to:

FOR BOARD ACTION

Agenda Item # 6.

Meeting Date:

9/30/03

SUBJECT:

Cascade Creek Unit 1

Purchase Order Agreement 46-257 - Change Order #1

PREPARED BY:

Wally Schlink, Manager of Power Production

ITEM DESCRIPTION:

Cascade Creek Unit 1 is a mid 1970's vintage machine and has served RPU well for over 25 years by providing capacity and energy to meet native load demand, as well as avoiding transmission costs related to the import of energy. The gas turbine figures prominently in meeting future capacity and energy requirements.

The RPU Utility Board approved a purchase order agreement with Siemens Westinghouse to perform an inspection of Cascade Creek Unit 1, a Westinghouse 251B2 gas turbine. The purpose of the inspection was to identify and correct any structural or operating problems with the generating unit. Based on the results of the inspection, all structural problems were corrected but an outstanding issue of high vibrations and the resultant lack of reliability was identified and RPU staff, along with Siemens Westinghouse staff has been researching a corrective action required to eliminate the problem.

After much review of vibration, operating and fleet conditions Siemens Westinghouse has submitted the required corrective action to RPU. This entails the replacement of the turbine inlet and exhaust bearings with a tilting pad type of bearing. The proposal for this revision is attached.

RPU staff supports the modification and is pursuing an accelerated schedule to complete the modification ASAP for 2 primary reasons, 1.) There is an opportunity to save 7% on the labor portion of the modification and 2.) GT1 is an important part of our generating portfolio and the sole black start unit in our system if we should suffer an extensive outage that would disconnect us from the grid.

UTILITY BOARD ACTION REQUESTED:

Staff recommends that the Board approve a resolution requesting the Common Council to approve a change order to purchase order agreement 46-257 with Siemens Westinghouse for professional services to perform the Tilting Pad Bearing Modification as defined in the attachments for a total of \$165,589 plus a 10% contingency to cover any unanticipated repairs when the machine is disassembled, for a total of \$182,148

Reviewed 9-24-03 WNS


General Manager

9-24-03
Date

61 -

FOR BOARD ACTION

Agenda Item # 7

Meeting Date: 9/30/03

SUBJECT: Addendum to Participation Sales Agreement Between City of Rochester and Minnesota Municipal Power Agency

PREPARED BY: Walt Lorber, Director of Operations *WLR*

ITEM DESCRIPTION:

Under a Participation Sales Agreement that became effective July 1, 1995, RPU provides 100 megawatts of SLP capacity and energy to the Minnesota Municipal Power Agency (MMPA). Both parties have frequently disagreed with the performance of the other party under the contract. Recent disagreements led to the use of a mediator in an attempt to address and resolve certain areas of conflict. Two areas were identified for discussion purposes:

1. Coal inventory levels and carrying costs
2. 1995 – present invoice review results

To address the first area, the mediator summarized the interests of both parties in building and maintaining a coal stockpile that meets MMPA's increased generation expectations through November 2005 in a draft agreement that is attached. Final language has not been developed, although the general terms have been agreed upon. The mediator will draft a settlement version within the next few weeks. However, based upon the agreed upon general terms, Rochester City Attorney Terry Adkins has prepared a draft Addendum to the Participation Sales Agreement. We will reexamine the draft Addendum's language after receiving the mediator's meeting notes and draft settlement. However, in the interest of time, we are asking the Board to approve the terms of the draft Addendum with the hope that any further changes will not be of a substantive nature. Note: The carrying charges collected by RPU on expected inventory levels would be approximately \$3000 per month.

Item 2 issues are the result of a review performed by an audit firm hired by MMPA that looked at RPU's billings to MMPA since 1995. There were six items, totaling approximately \$600,000 that the firm flagged as possible irregularities or overcharges. RPU's analysis concluded that four of the items were correctly charged and two of the items were charged erroneously. RPU offered, and MMPA agreed, to resolve the matter through RPU's reimbursement of \$168,000 to MMPA as a credit on a future invoice. The mediator will memorialize the resolution.

UTILITY BOARD ACTION REQUESTED:

It is recommended that the Board request the Common Council to approve the attached Addendum to the Participation Sales Agreement between RPU and MMPA, contingent upon final language review and approval by the City Attorney.

Terry Koshin

General Manager

9-24-03
Date

ROCHESTER PUBLIC UTILITIES

62

FOR BOARD ACTION

Agenda Item # 9

Meeting Date:

9/30/03

SUBJECT:

Public Power Week Proclamation

PREPARED BY:

Jim Walters, Manager of Marketing & External Services

ITEM DESCRIPTION:

RPU, along with communities across the country, will celebrate Public Power Week Oct. 5-11, 2003. This is a week to promote the benefits of public power, which include superior service and community connections.

RPU plans to offer media interviews and events each day of the week for radio and television news and the local newspaper.

The culminating event of Public Power Week in Rochester will be an Energy Fair on October 11, held at the University Center Rochester's Regional Sports Complex and cohosted with University of Minnesota Rochester. It will run from 10 a.m.-4 p.m. and have exhibits by vendors, trade allies, energy technology companies, and concerns groups, to name a few. The event is free and open to the public, and lunch of hot dogs and soda will be provided. There are no exhibitor fees for this inaugural fair.

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve the attached resolution and request that the Mayor and Common Council designate October 5 – 11, 2003 as Public Power Week.


General Manager

9-24-03
Date

ROCHESTER PUBLIC UTILITIES

REQUEST FOR COUNCIL ACTION

MEETING

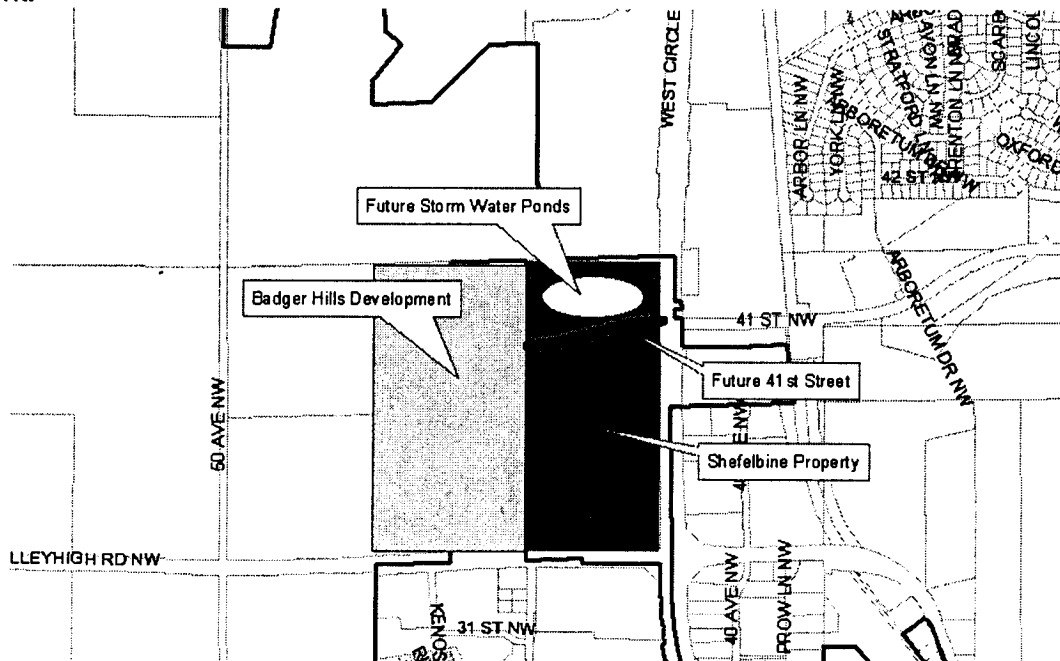
DATE: 10/06/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way acquisition for future 41 st Street & utility extension. J7710	PREPARED BY: M. Nigbur	

The City Staff determined and negotiated the location and cost for the future 41st Street NW street extension for roadway and utilities. The street construction itself is several years away. However, the area is currently needed for the extension of sanitary sewer and watermain to serve the Badger Hills Development. The City will also be negotiating, in the future, the acquisition of land abutting this 41st Street Right of Way acquisition area for a storm water management structure. Considering all of the nuances associated with this transaction the City and Owner negotiated a proposed settlement agreement with the following conditions:

- The City will pay the Owner for the 3.27 acres of Right of way at an amount of \$28,000 per acre plus appraisal reimbursement.
- City will provide a sewer & water stub for future connection by the Owner at the Superior Drive Roadway connection.
- City agrees not to annex the property for a period of 5 years after the property is surrounded.
- City will pay for the closing costs on the acquisition.
- Owner agrees that future acquisitions by the City will be based on undeveloped property.

The City will ultimately be fully reimbursed for the cost of the acquisition by the benefiting properties. The City Staff recommends in favor of this Settlement Agreement. The Owners have executed the Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement for the right of way acquisition of 41st Street with Shefelbines.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/06/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-25

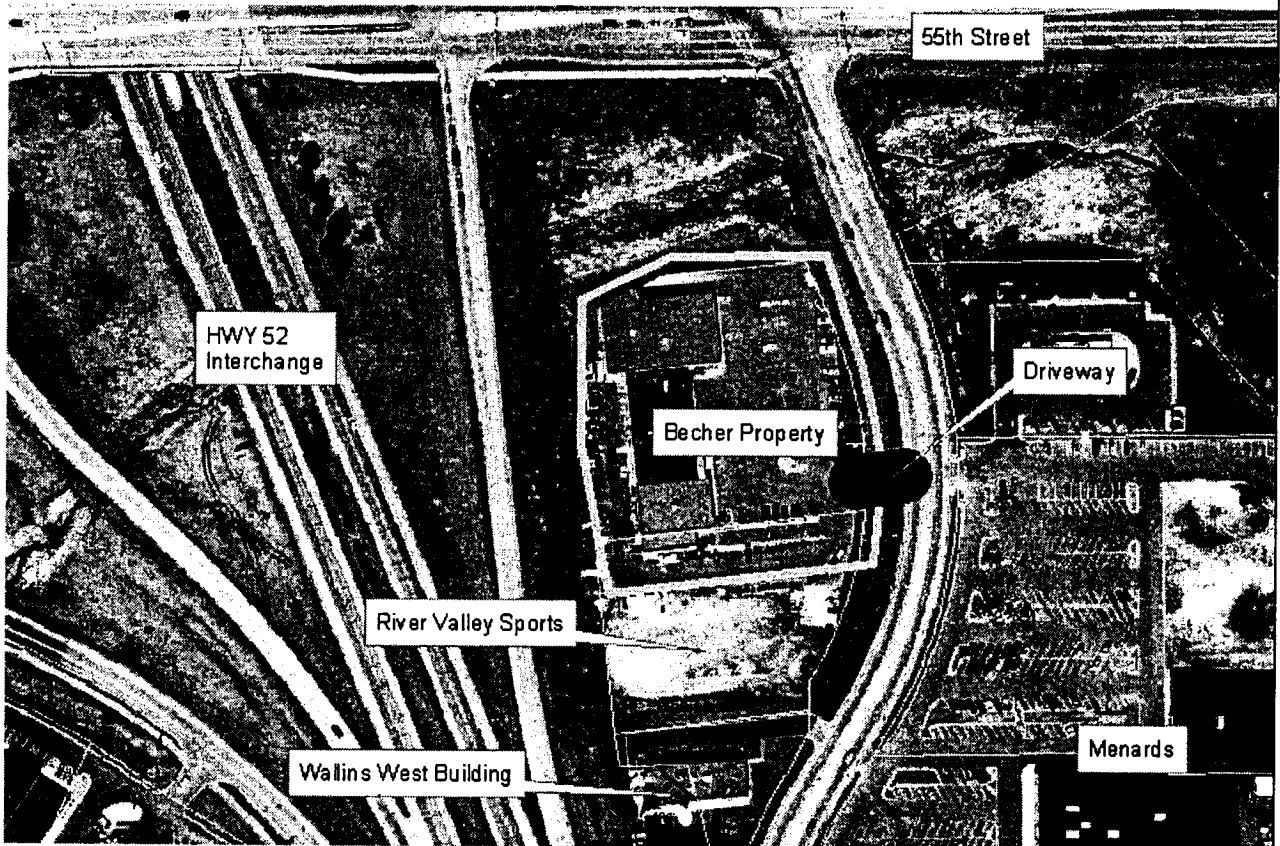
ITEM DESCRIPTION: Real Estate – Napa Driveway – request for modification in excess of permitted 32.00 feet width.**PREPARED BY:**

M. Nigbur

Ed Becher, the owner of the Napa building, has requested an increased driveway width for his property abutting 55th Street and the East frontage road. The request is driven from the need for movement of semi tractor/trailers into and exiting the site. Staff has review this request and would recommend in favor of granting a 40.00 wide driveway opening. This proposed driveway opening is 8.00 feet wider than the permitted width of 32.00 feet.

It should also be pointed out that this access point also serves as access to the property to the South.

The City Staff recommends in favor of this request.

**COUNCIL ACTION REQUESTED:**

Authorize the increase driveway width for the shared driveway for the Becher Property Lot 1 Cordul Commercial Park.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

PLANNING

ITEM NO.

E-1

ITEM DESCRIPTION: Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

PREPARED BY:

Brent Svenby,
Planner

September 26, 2003

Note: The access issue with the GDP has been resolved.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider the Land Use Plan Amendment request for the property. The Commission also reviewed a Zone Change Petition and GDP for the property.

Mr. Ken Boyer, of Civil Engineering Services Company, addressed the Commission and explained the applications submitted by the applicant.

The Commission discussed whether the area proposed to be designated "Industrial" is appropriate based on the criteria as included in the staff report. The Commission is recommending approval, with the following findings.

Mr. Haeussinger made a motion to recommend approval of Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig based on staff findings. Mr. Quinn seconded the motion. The motion carried 8-0.

- a) *The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.*
- b) *The property has direct access to TH 63, which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.*
- c) *The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.*

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

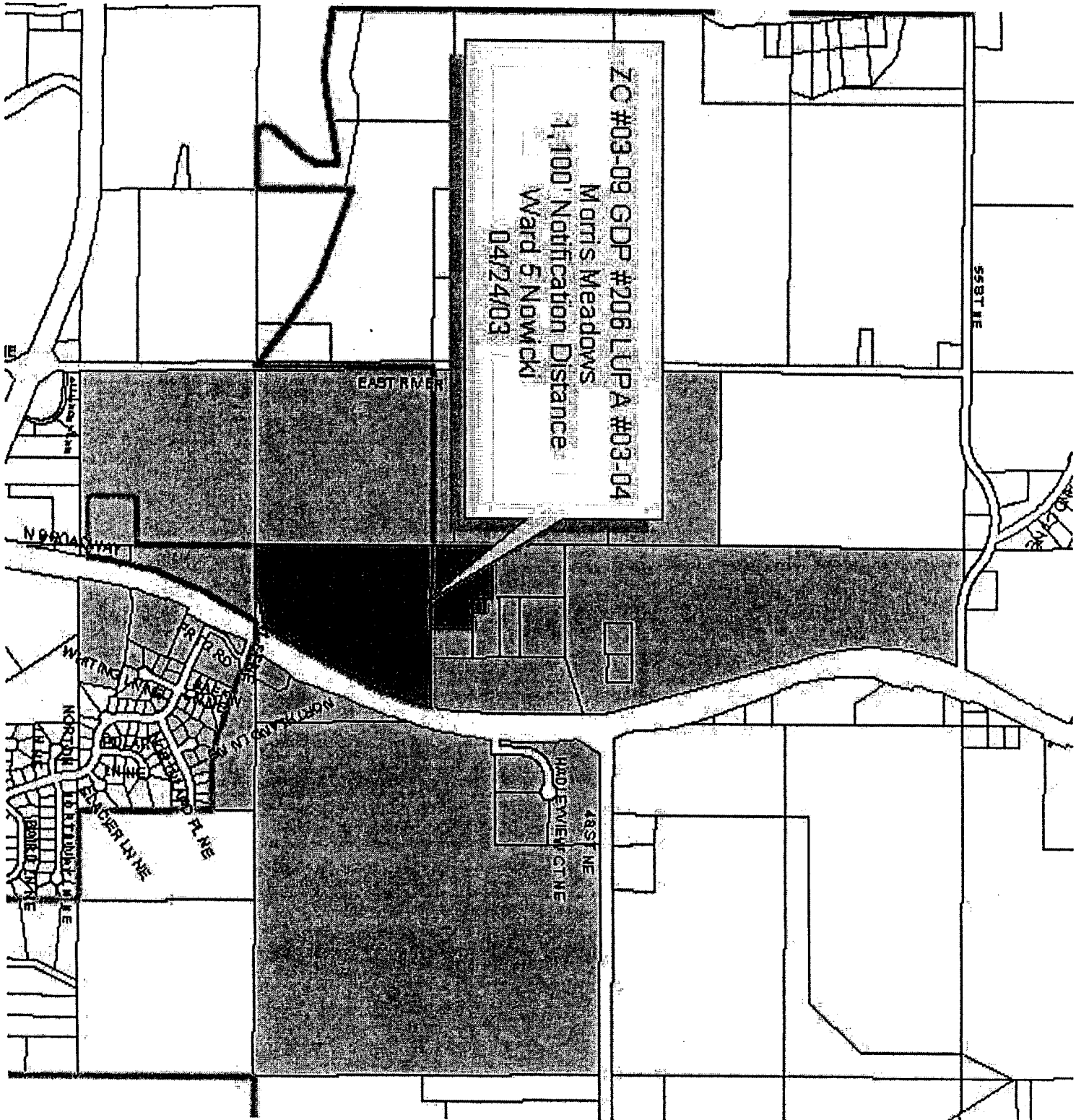
- d) *Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.*

Planning Staff Recommendation:

See attached staff report dated May 8, 2003

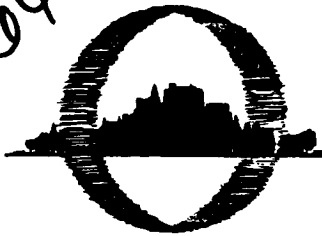
COUNCIL ACTION: Motion by: _____ Seconded by: _____ to: _____.

5A



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: May 8, 2003

RE: Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation for approximately 33.48 acres of land from "low density residential" to "Industrial" designation. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Planning Department Review:

Property Owner:

Morris Memorial LLC
3775 Willow Ridge Drive SW
Rochester, MN 55902

Allen Koenig
PO Box 6122
Rochester, MN 55903

Consultant:

Civil Engineering Services Co.
Attn: Ken Boyer
5300 Hwy 63 South
Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Requested Action:

The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately 33.48 acres of land for "industrial" uses. The property is currently designated for "low density residential" uses. A Zoning District Amendment and General Development Plan are being considered concurrent with this application.

Existing Land Use:

The majority of the property is currently vacant. Midwest Transportation is located on approximately 5 acres of the site.

Proposed Land Use:

The applicant has also filed a Zone Change petition and a General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property being developed with a mixture of commercial and industrial



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uses.

Adjacent Land Use and Zoning:

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan

Transportation Access:

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Neighborhood Meeting:

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

Referral Comments:

See GDP Report

Report Attachments:

1. Location Map
2. Land Use Plan Map
3. Referral Comments - see GDP Report
4. Neighborhood Meeting Summary

Analysis:

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Industrial" types of uses as follows:

- a) *Having level terrain (less than 5% slope).*
- b) *Having excellent access to transportation facilities, including direct access to a freeway, expressway, or arterial. Access to either rail or air transportation is also desirable.*
- c) *Having adequate area available for industrial expansion, providing adequate space for buffer areas, where needed, to protect adjacent residential use designations.*
- d) *Served by utilities and public facilities.*

Staff Suggested Findings:

- a) *The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.*
- b) *The property has direct access to TH 63 which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.*
- c) *The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.*

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

- d) *Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.*

Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggested findings do support amending the Land Use Plan.

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CIVIL ENGINEERING SERVICES COMPANY

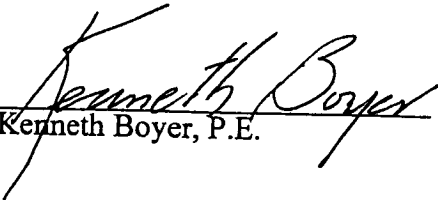
5300 HIGHWAY 63 SOUTH
ROCHESTER, MINNESOTA 55904
(507) 282-3776

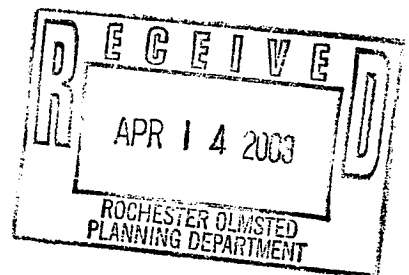
RECORD OF NEIGHBORHOOD INFORMATIONAL MEETING

Location: Evangel United Methodist Church
Date/Time: Tuesday, September 10, 2002 at 7:00 p.m.

The meeting was attended by three people: Ken Boyer (Owner's engineer), and Mr. and Mrs. Al Bruggenthies (Owners of Al's Marine and RV). Mr. Boyer explained the purpose of the meeting and explained the proposed project. He advised that the Owner's would be petitioning for a zone change and a change to the Land Use Plan. General discussion of the proposed development followed. There were no objections expressed to the proposed development.

The meeting ended at 7:15 p.m.


Kenneth Boyer, P.E.



* Land Use Plan Amendment Petition #03-04 and Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" and the zoning from I (Interim) to the M-1 (Mixed Commercial-Industrial) district on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

AND

General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Ms. Mitzi A. Baker presented the staff reports, dated May 8, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker clarified the amount of acreage involved in the general development plan proposal.

Ms. Baker suggested revising condition number 3 listed in the staff report for the general development plan to state: "The extension of public sewer and water to serve the property shall be coordinated with the Public Works Department. Development must be phased to provide adequate public facilities concurrent with development of the property."

Mr. Staver asked what the timing would be for the stoplight proposed at TH 63 and 41st Street NE.

Ms. Baker responded that she was unaware of the timing.

The applicant's representative Ken Boyer, of Civil Engineering Services Company (5300 Highway 63 South, Rochester MN), addressed the Commission. He explained that the applicant applied for some residential uses a year ago on the west part of the property. However, the City Council disagreed with the zoning. Therefore, they are surrounded by the M-1 zoning district.

Mr. Boyer stated that he wanted the opportunity to work with staff on the location of the half-block of street on the north portion of the plat. He indicated that MnDOT made comments regarding controlled access on Highway 63; however, he will work out the details with them.

Mr. Haeussinger asked if the applicant agreed with the staff recommendations.

Mr. Boyer responded yes.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-09 by

Morris Memorial LLC and Allen Koenig with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.
2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.
3. The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development. Development must be phased to provide adequate public facilities concurrent with development of the property
4. At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.
5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.
6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.
7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

General Development Plan #207 by By Us LLC to be known as Pinewood Ridge. The Applicant is proposing to develop approximately 63 acres of land with single family dwellings. The property is proposed to be served by public roads and provides connections to adjacent properties. The property is located south of Pinewood Road SE and west of 30th Avenue SE with single family homes.

Ms. Mitzi A. Baker presented the staff report, dated May 9, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the access location to property to the east needed to be reviewed and that an outlot for a pedestrian connection needs to be provided to the park/pond area.

Mr. Quinn stated that Pinewood Road SE is not in the 6 year CIP. He asked when it could be included. He also asked about limiting the development until a second access is provided.

Ms. Baker responded that the limiting of development until a second access is provided is a requirement of the Ordinance. Therefore, it didn't technically need to be a condition.

Ms. Baker explained the Water Quality Protection Program.

Ms. Baker stated that she was unsure of the timing to improve Pinewood Road SE since it is not in the 6 year CIP.

Mr. Quinn asked if the development would be affected by not having Pinewood Road SE in the 6 year CIP.

Ms. Baker responded that it could and that the City would need to monitor traffic volumes and development along Pinewood Road SE.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the most recent plan showed 75 homes. Therefore, they should be below the trip threshold. He indicated that the applicant did not have any objections to the staff-recommended conditions.

Ms. Rivas asked why the local street on the south side would be widened.

Mr. DuMond responded that there would be medians in the roadway.

Ms. Rivas asked if the wetland on the east side would be retained.

Mr. DuMond responded that he was unsure as to the quality of those wetlands. He stated that they are currently being delineated.

Mr. Jonathan Hoyne, of 2824 Pinewood Road SE, Rochester MN, addressed the Commission. He asked how far from his property line the sidewalk would be located. He also asked about the size of the lake (pond), what type of parkland there would be, and how large it would be. He

REQUEST FOR COUNCIL ACTION

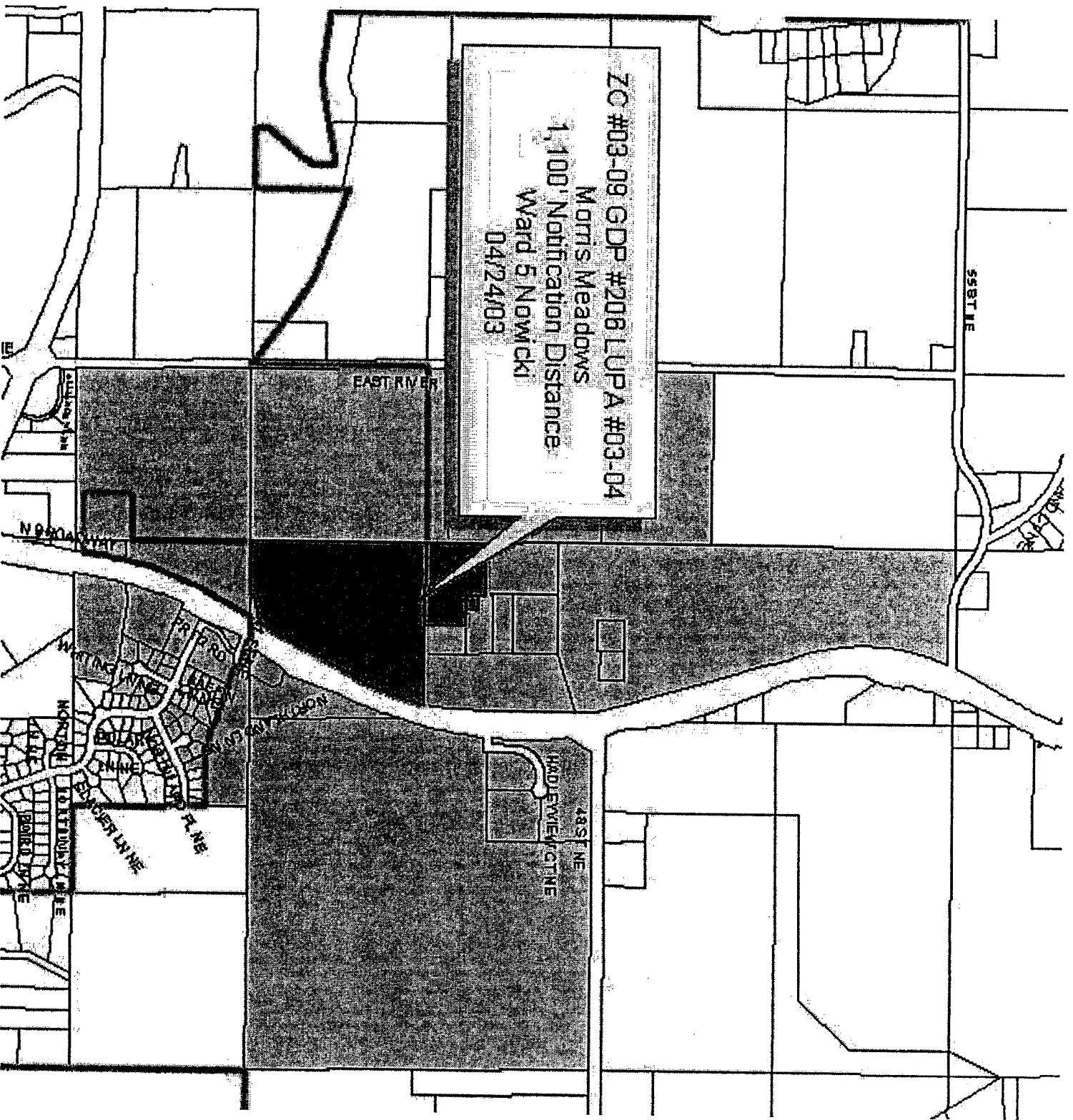
MEETING

DATE: 10-6-03

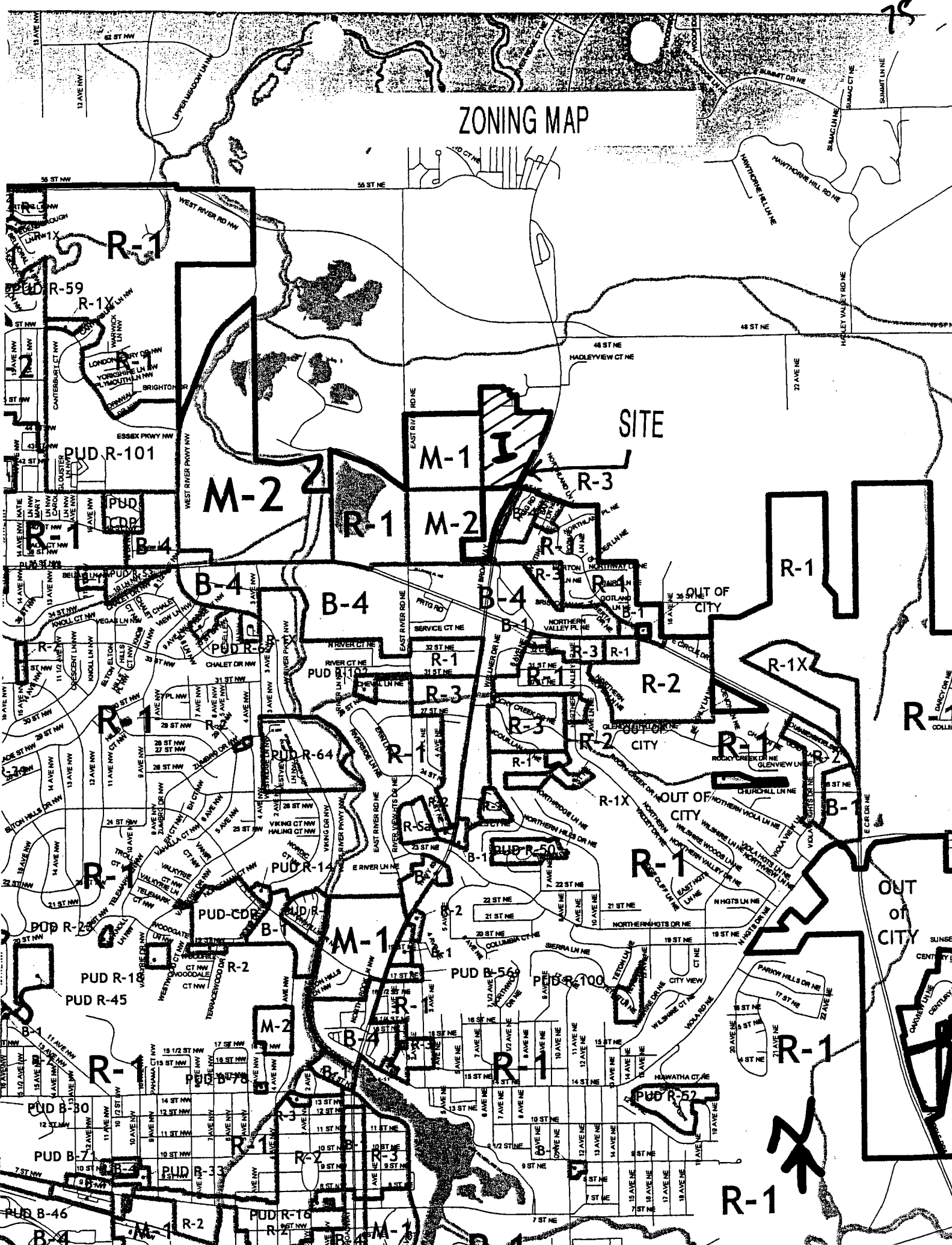
13

AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) to the M-1 (Mixed Commercial-Industrial) zoning district. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.		PREPARED BY: Brent Svenby, Planner
<p>NOTE: See CP&Z minutes from previous LUPA hearing September 26, 2003</p> <p>Note: The access issue with the GDP has been resolved.</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property.</p> <p>The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings.</p> <p>Motion by Mr. Haeussinger, seconded by Mr. Quinn to recommend approval of Zoning District Amendment #03-09, with staff-recommended findings. Motion carried 8-0.</p> <p><u>Planning Staff Recommendation:</u></p> <p>See attached staff report dated May 8, 2003.</p>		
<p><u>Council Action Needed:</u></p> <p><i>The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.</i></p> <p><i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property</i></p>		
<p><u>Attachments:</u></p> <ol style="list-style-type: none">1. Staff Report dated May 8, 20032. Minutes of the May 14, 2003 CP&ZC Meeting (attached to LUPA RCA) <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Clerk2. City Administrator3. City Attorney: Legal Description attached to LUPA4. Planning Department File5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.6. Civil Engineering Services Co.		
<p>COUNCIL ACTION:</p> <p>Motion By: _____ Seconded By: _____ Action: _____</p>		

NA



ZONING MAP



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: May 8, 2003

RE: Zoning District Amendment # 03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) district to the M-1 (Mixed Commercial-Industrial) District. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Planning Department Review:

Property Owner/Petitioner:

Morris Memorial LLC
3775 Willow Ridge Drive SW
Rochester, MN 55902

Allen Koenig
PO Box 6122
Rochester, MN 55903

Consultant:

Civil Engineering Services Co.
Attn: Ken Boyer
5300 Hwy 63 South
Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Requested Action:

The applicant is requesting to zone approximately 33.48 acres of land to the M-1 Mixed Commercial-Industrial) district. This property was recently annexed into the City and upon annexation the City placed the property in the Interim zoning district.

Existing Land Use:

The majority of the property is currently undeveloped. Midwest Transportation is located on approximately 5 acres of the site.

Proposed Land Use:

The applicant has also filed a Land Use Plan amendment and a General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property eventually being developed with mixture of commercial and industrial uses.



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Adjacent Land Use and Zoning:

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan.

Transportation Access:

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Neighborhood Meeting:

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

Referral Comments:

See GDP Report

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Referral Comments – see GDP
4. Neighborhood Meeting Summary – see LUPA report

Analysis for Zoning District Amendment:

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Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "low density residential" to "industrial" is approved, zoning 33.48 acres of land to M-1 (Mixed Commercial - Industrial) would be consistent with the "industrial" land use designation.

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise. The properties to the north and south already have commercial and industrial uses established on them.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
 - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Uses within the M-1 Zoning District would be appropriate on the property and compatible with adjacent properties, the properties to the south, north and west are all used for industrial uses. According to the City of Rochester Zoning Ordinance, the M-1 zoning district provides an area for a mixture of commercial uses and industrial uses which do not generate significant adverse impacts.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

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The amendment to the M-1 zoning district would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and would not be considered spot zoning.

Staff Recommendation:

Based on the above findings, it would appear that the zoning district amendment to M-1 would meet the above criteria. Staff recommends that the request to zone the property from the I (Interim) district to the M-1 (Mixed Commercial – Industrial district be approved, based on the above suggested findings.



REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10-6-03

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AGENDA SECTION: PUBLIC HEARINGS- Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.		PREPARED BY: Brent Svenby, Planner
<p>NOTE: <i>See CPEC minutes from previous LUPA hearing</i> September 30, 2003</p> <p>NOTE: A revised GDP was submitted on September 19th. Staff would recommend additional conditions be placed on the GDP based on the revised GDP. The additional conditions are shown as underlined on the RCA. Conditions to be deleted are stricken.</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>On May 14, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a Land Use Plan Amendment and zone change for the property</p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>Mr. Haeussinger made a motion to recommend approval of General Development Plan #206 to be known as Morris Meadows based on staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 8-0.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none">1. <i>The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.</i>2. <i>Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.</i>3. <i>The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development. Development must be phased to provide adequate public facilities concurrent with development of the property.</i>4. <i>At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63, both side of the proposed 41st Street extension, from TH 63 to the future 66 ft ROW indicated on the GDP. In addition, access control shall be dedicated along the entire easterly line of proposed Outlot B.</i>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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- ~~5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.~~
6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.
7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
8. The applicant shall obtain an access permit from MnDOT for access to TH 63 as stated in the letter dated September 24, 2003 from MnDOT.
9. The applicant shall dedicate a 50 foot wide access easement from the proposed 41st Street NE to the RPU property to the south.

Planning Staff Recommendation:

See attached staff report dated May 8, 2003.

Council Action Needed:

1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

1. Staff Report dated May 8, 2003
2. Minutes of the May 14, 2003 CPZC Meeting (attached to LUPA RCA)

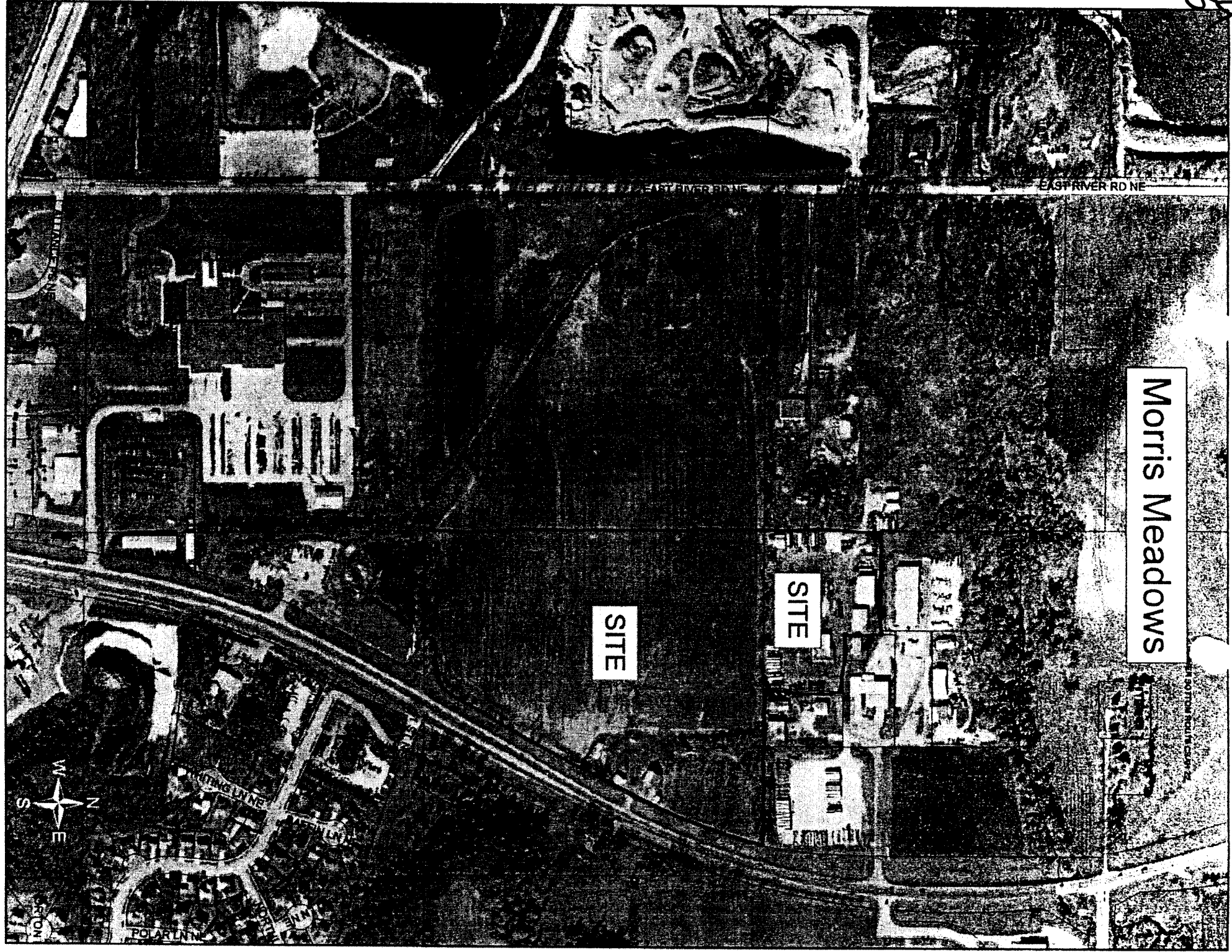
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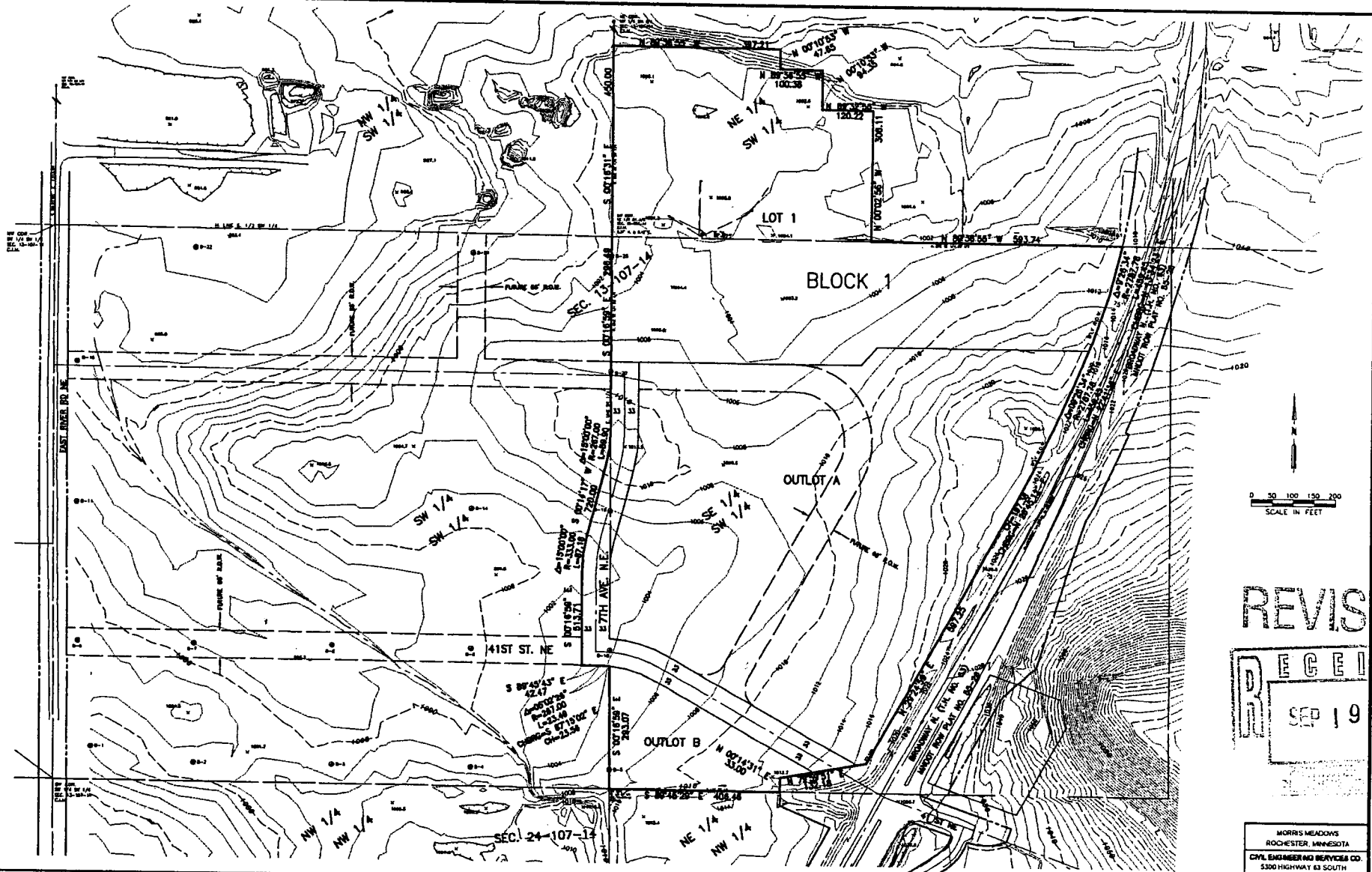
1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, June 2, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
5. Civil Engineering Services Co.





100





REVISED
RECEIVED
SEP 19 2000

MORRIS MEADOWS
ROCHESTER, MINNESOTA
CIVIL ENGINEERING SERVICES CO.
5300 HIGHWAY 63 SOUTH
ROCHESTER, MINNESOTA
557-282-3776

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Date _____
REG. NO. _____
Kenneth Boyer, P.E.

CIVIL ENGINEERING SERVICES CO.
5300 HIGHWAY 63 SOUTH
ROCHESTER, MN 55904
PH. NO. 507-282-3776
FAX 507-289-3989

BRAND & MASSEY SURVEYING, INC.
1009 WHITEWATER AVENUE
ST. CHARLES, MN. 55972
PH. NO. 507-932-3895
FAX NO. 507-932-0121



MORRIS MEADOWS
GENERAL DEVELOPMENT PLAN
PART OF THE SW 1/4
SECTION 13, T 107 N, R 14 W
OLMSTED COUNTY, MINNESOTA



MONUMENTS
☐ FOUND (AS INDICATED)
☐ SET (BY THE SURVEYOR)
 SCALE: 1" = 100'
 DATE: 9/18/00
 DRAWN BY: E.A.S.
 JOB NUMBER: 130
 SHEET NO.: 27000003.DWG
 REVISION DATE:

THIS DOCUMENT
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BRAND & MASSEY
SURVEYING, INC.
ST. CHARLES, MN 55972
THIS SURVEY AND DRAWING
WAS PREPARED FOR THE
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MORRIS MEADOWS, LLC
ROCHESTER, MINNESOTA
SHEET 1 OF 1

85

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 9/29/03

The Department of Public Works has reviewed the application for General Development Plan #206, on the Morris Meadows property. The following are Public Works comments on the proposal from 5/5/03. New comments are indicated in **BOLD**, while comments that have been addressed and/or are no longer applicable are shown with ~~STRIKETHROUGH~~:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to the extension of public utilities, dedication of off site easements, Transportation Improvement District (TID) charges, stormwater management, traffic improvements including turn-lanes, pedestrian facilities, right-of-way dedication, and applicable charges/contributions for public infrastructure.
2. Storm Water Management must be provided. ~~As shown, stormwater detention is proposed on the abutting property to the west, currently owner by the applicant.~~ An Ownership & Maintenance Declaration will be required for the Storm Water facility Outlot, if it will serve less than 50 acres. A Storm Water Management fee will apply to any areas on this development that are not served by privately constructed on-site detention facilities.
3. It is understood that the GDP includes only the easterly parcel, and does not extend to East River Rd. Since conceptual connections are being shown, the future ROW of East River Rd should be indicated as 60 feet.
4. Sanitary Sewer & Water does not abut the property. The extension of public sewer and water to serve the property must be coordinated with the Public Works Department.
5. Pedestrian facilities will be required along the entire frontages of all public roads within this property, as well as the frontage of T.H. 63.

ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

6. Controlled Access will be required along the entire frontage of T.H. 63 with the exception of any approved public road access point(s). Additional controlled access will be required along ~~the entire south line of proposed Lot 8, Block 1, and along the 41st St frontage of that part of Lot 1, block 2, from T.H. 63 to the ROW of the future street serving Block 1.~~ **both sides of the proposed 41st St NE extension, from T.H. 63 to the future 66 ft ROW indicated on the GDP. In addition, access control shall be dedicated along the entire easterly line of proposed Outlot 'B'.**
7. Off site drainage easements may be required to accommodate the proposed relocated drainage way.
8. ~~The proposed extension of 41st St on the west side of T.H. 63 shall be perpendicular to T.H. 63 and align directly across from 41st St on the east side of T.H. 63.~~
9. **A 50 foot wide access easement shall be dedicated from 41st St NE to the RPU property to the south.**
10. **Execution of a City-Owner Contract is required prior to the construction of public infrastructure to serve this Property.**

The following Charges/fees applicable to the development of this property and will be addressed in the Development Agreement and include **(rates in-place through 7/31/03)**:

- ❖ Sewer Availability Charge @ \$1851.12 per developable acre.
- ❖ Water Availability Charge @ \$1851.12 per developable acre.
- ❖ Transportation Improvement District (TID) / Substandard Street Reconstruction Charges – To Be Determined.
- ❖ Storm Water Management, for any areas that do not drain to an on-site detention facility.
- ❖ Traffic Signs as determined by the City Engineer
- ❖ First Seal Coat @ \$0.51 per square yard of public street surface



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

September 24, 2003

Brent Svenby
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

**RE: Revised GDP #206 to be known as Morris Meadows by Morris memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of east River road NE and north of 41st Street NE.
US 63 CS 5510**

Dear Mr. Svenby:

Mn/DOT has received for review the revised General Development Plan (GDP) for Morris Meadows proposing a new access to US Highway 63. Mn/DOT responded to the original request on May 2, 2003. The following comments pertain to the revised request of September 22, 2003.

The access shown aligns with 41st Street NE on the east side, but is within an area currently designated as access control. In our discussions with the City of Rochester regarding the location of the access for Morris Meadows, we have indicated that an access swap, removing the current access in order to provide an alignment with 41st Street NE on the east side of US 63, is acceptable provided the adjacent property to the south of Morris Meadows will still have reasonable access to US 63. We understand that Outlot B has been sold to the adjacent property owner for the purpose of allowing this property alternative access.

Given these considerations, we recommend the following:

- The exchange of access procedure, closing the current access opening to allow the new proposed access, requires coordination with Craig Hansen, Mn/DOT Right-of-Way, at (507) 285-7366.
- A preliminary plat will need to be submitted to the planning office for review. Mn/DOT will require the site plan to show how the south property will be provided a new street connection to allow use of the new access onto US 63. Access control must be illustrated on the platting.
- If the plat is acceptable, an access permit will be needed from Lee Gierok, Roadway Regulations Supervisor, at (507) 285-7362. The existing southbound right turn lane will be reviewed relative to design standards that will be required for the new access.

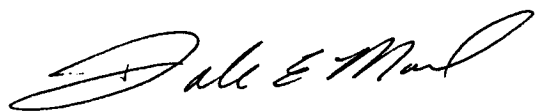
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Brent Svenby
September 24, 2003
Page Two

- Any enhancements or changes that are needed for this new intersection will be at the expense of the City and/or developer.

Thank you allowing us to comment on this plan revision. If there are any questions, you may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script, reading "Dale E. Maul".

Dale E. Maul
Planning Director

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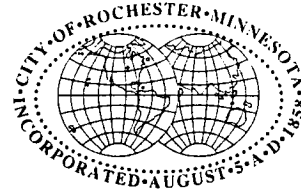
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: May 8, 2003

RE: General Development Plan #206 to be known as Morris Meadows

Planning Department Review:

Petitioner/Property Owner:

Morris Memorial LLC
3775 Willow Ridge Drive SW
Rochester, MN 55902

Allen Koenig
PO Box 6122
Rochester, MN 55903

Consultant:

Civil Engineering Services Co.
Attn: Ken Boyer
5300 Hwy 63 South
Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Proposed Use:

The proposed GDP identifies the property being developed with commercial and industrial uses. A Land Use Plan Amendment and Zoning District Amendment are being considered concurrent with this application.

**Land Use Plan
And Zoning Designations:**

The Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" uses and the property is currently zoned I (Interim) district.

The applicant has filed a petition to amend the Land Use Plan to designate the property for "industrial" uses. The applicant has also filed a petition to zone the property to the M-1 (Mixed Commercial-Industrial) district. These applications are being considered concurrent with this GDP.

Streets:

The plan proposes public roadways within the development. The plan also provides access to the



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properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

Please see the Memorandum from Charlie Reiter regarding traffic generation for the development.

Sidewalks:

Pedestrian facilities will be required along the frontages of all public roadways and along the west side of TH 63.

Drainage:

A Storm water pond is proposed for the northwest corner of the property (in the area shown as future) . The current drainage pattern of the property is to the northwest corner. Currently there is an existing waterway running diagonally through the property to the northwest corner. The GDP proposes to relocate this water way to the southerly boundary of the property and along the westerly property boundary.

Detailed grading and drainage plans will be required when the property is platted or developed.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Public Utilities:

Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property which is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with RPU Water Division to determine options and design requirements to develop the necessary water system layout to serve the area.

Referral Comments:

1. Planning Dept. Transportation Division
2. Rochester Public Works
3. RPU Operations Division
4. RPU Water Division
5. MnDOT
6. Rochester Fire Department
7. Planning Department - Addressing
8. Planning Department - Wetlands

ar

Report Attachments:

1. Proposed General Development Plan
2. General Development Plan Narrative
3. Referral Comments
4. Neighborhood Meeting Summary – see LUPA report

Summary:

- The Morris property involves a total of 66.5 acres intended for use as business park. At a Floor Area Ratio of 0.175 the site will support approximately 500,000 square feet of commercial/industrial floor area. (this includes development of the portion of the property shown conceptually)
- Based on this size of development projected traffic generation is as follows:

	Daily Traffic	PM Peak Hour Traffic
Predominantly industrial and warehousing type uses	3500-3800 trips per day	400 total trips 100 inbound 300 outbound
Predominantly business and office type uses	5500-6000 trips per day	650-700 total trips 125-150 inbound 500-600 outbound

Key traffic issues with the proposal include the following:

- Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The development should be responsible for a proportionate share of the cost of this improvement
- Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The development should be responsible for a proportionate share of improvements costs along this corridor.
- On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- East River Road is designated on the ROCOG Long Range Bicycle Plan as the location of a future Connector Trail facility. Adequate right of way or easement should be provided to permit construction of future trail or pedestrian facilities along East River Road.
- Provisions for access control should be provided on the final plat along the following lot frontages:
 - The frontage along TH 63 except for the 41st St intersection;
 - The frontage along East River Road except for the two proposed public street intersections

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- o Along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63
- o Along the north/east side of Lot 1, Block 2 for a distance of 250 west from the right of way line for TH 63

Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. Detailed grading and drainage plans will be required when the property is platted. The applicant may be required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

A Land Use Plan Amendment and Zoning District Amendment are being considered for this property concurrent with the GDP.

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached).

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property. The Land Use Plan refers to "industrial" designation as area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. According to the Land Use Plan, industrial uses are characterized by relatively high levels of truck traffic and noise.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The land uses proposed within the GDP would be consistent with the land uses on the adjacent properties. Currently the property to the south is used for storage of materials and equipment for RPU. To the west, across East River Road NE, there is an existing mining and excavation operation. Industrial uses are also to the north of the proposed development. The proposal does provide access to the adjacent properties as well as an access to TH 63, which aligns with 41st Street NE on the east side of TH 63.

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

This GDP does not include a residential component.

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- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The developer will be responsible for a proportionate share of the cost of this improvement.

Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The developer will be responsible for a proportionate share of improvements costs along this corridor.

On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The developer will be responsible for a proportionate share of the cost of this improvement.

Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The developer will be responsible for a proportionate share of improvements costs along this corridor.

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On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

Controlled access will need to be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property which is located approximately 300 feet to the south. Static water pressures within the area will range from the mid 60's to near 80 PSI depending on final grades. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with RPU Water Division to determine options and design requirements to develop the necessary water system layout to serve the area. The applicant has indicated that as part of the development a water main will be placed across TH 63 at 41st Street to provide fire flows of 3,000 to 4,000 gpm for development.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Detailed construction plans will need to be approved for all infrastructure improvements.

Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. Detailed grading and drainage plans will be required when the property is platted. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

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Pedestrian facilities will be required along both sides of all public roadways as well as along the west side of TH 63.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. A Storm water pond is proposed for the northwest corner of the property. The current drainage pattern of the property is to the northwest corner. Currently there is an existing drainage way running diagonally through the property to the northwest corner. The GDP proposes to relocate the water way to the southerly boundary of the property and along the westerly property boundary. Detailed grading and drainage plans will be required when the property is platted. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The property has direct access to TH 63, which abuts the property along its westerly edge, which is identified an expressway on the Thoroughfare Plan. The applicant owns the property to the west and has conceptually shown how that property can be developed and where future accesses will be provided to East River Road NE. Lot, block and street design standards will be reviewed in more detail at the time the property is platted.

Recommendation:

The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate the property to the "Industrial" designation and to rezone it to the M-1 zoning district. If the CPZC and Council decide that the site meets the criteria for the applications submitted, staff would recommend approval of the GDP with the following conditions or modifications:

- 1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.***
- 2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An***

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ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

3. *The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development.*
4. *At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.*
5. *The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.*
6. *This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.*
7. *On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.*
8. *The applicant shall obtain an access permit from MnDOT for access to TH 63.*

Note: This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.

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MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Charles Reiter
Senior Transportation Planner

DATE: July 2, 2002

RE: Review of Traffic Impact Study for Morris Meadows GDP

Summary of Background Information:

- The Morris property involves a total of 66.5 acres intended for use as business park. At a Floor Area Ratio of 0.175 the site will support approximately 500,000 square feet of commercial/industrial floor area
- Based on this size of development projected traffic generation is as follows:

		Daily Traffic	PM Peak Hour Traffic
	Predominantly industrial and warehousing type uses	3500-3800 trips per day	400 total trips 100 inbound 300 outbound
	Predominantly business and office type uses	5500-6000 trips per day	650-700 total trips 125-150 inbound 500-600 outbound

- Access to the site initially will be provided from TH 63 and East River Road. TH 63 will provide access both to the north and south while East River Road provides a connection to 37th St which will be most heavily used for traffic to/from the west. In the future it is anticipated that 55th St will be extended east across the Zumbro River to TH 63 providing for additional dispersion of traffic to / from the west.
- The proposed intersection of 41st St and TH 63 was evaluated as part of ROCOG's Circle Drive Traffic Management Study which was conducted in 2001-2002. The graphic on page 2 illustrates the recommended access and traffic control measures anticipated for implementation along TH 63 north of 37th St. The 41st St intersection is targeted as the location of a future traffic signal based on its location and the spacing it provides between 37th St and 48th St.
- The proposed street running included in the plat running south from 41st St to the south property line fits with long term plans to eventually develop a local road system to support the access management measures and traffic signal spacing planned along TH 63. The illustration on page 3 of this memo highlights conceptually the backage road system that may need to be developed in the future if other accesses along TH 63 need to be restricted in the future due to safety or operational problems
- East River Road will also experience traffic increase as a result of this development. The intersection of East River Road and 37th St has been evaluated as part of past TIR reviews, most recently the proposed development of the Allen property. This

intersection is already signalized but will need improvements affecting both the north and south approaches in the future to handle expected traffic increases on East River Road north and south of 37th St.

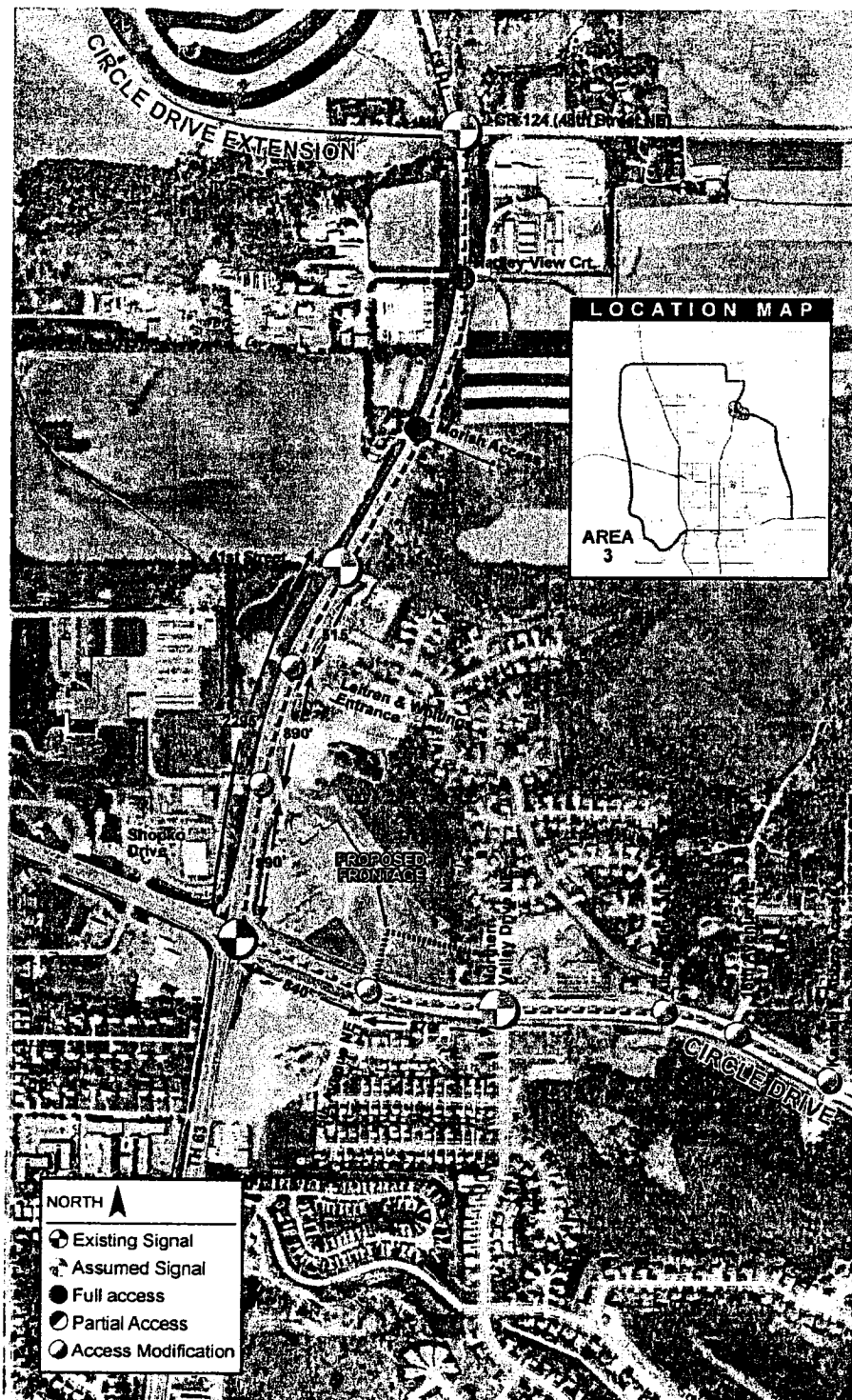
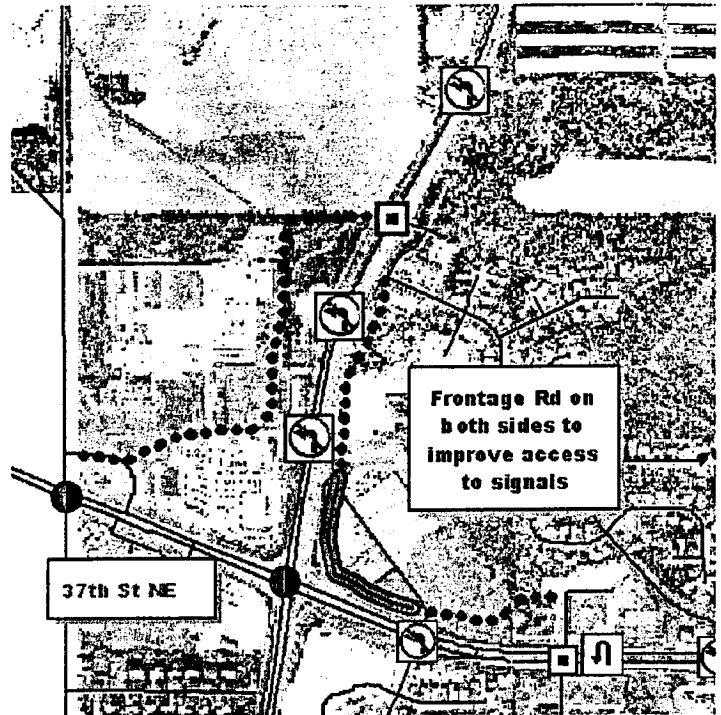


Figure 12
Access Concern
Area # 3

Key Traffic Issues

- Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The development should be responsible for a proportionate share of the cost of this improvement
- Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The development should be responsible for a proportionate share of improvements costs along this corridor.
- On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- East River Road is designated on the ROCOG Long Range Bicycle Plan as the location of a future Connector Trail facility. Adequate right of way or easement should be provided to permit construction of future trail or pedestrian facilities along East River Road.
- Provisions for access control should be provided on the final plat along the following lot frontages:
 - The frontage along TH 63 except for the 41st St intersection;
 - The frontage along East River Road except for the two proposed public street intersections
 - Along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63
 - Along the north/east side of Lot 1, Block 2 for a distance of 250 west from the right of way line for TH 63





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April 22, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #206 by Morris Memorial LLC and Allen Koenig to be known as Morris Meadows.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This property is within the Main Level Water System area.
2. Static water pressures within this area will range from the mid 60's to near 80 PSI depending on final grades.
3. The water mains must be extended to adjacent properties per our requirements.
4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Morris Memorial LLC and Allen Koenig
Ken Boyer

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: April 21, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: General Development Plan 206 by Morris Memorial LLC and Allen Koenig to be know as Morris Meadows. The applicant is proposing to develop the property with both commercial and industrial uses.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Morris Memorial LLC and Allen Koenig – 3775 Willow Rd Dr SW – Rochester, MN 55902
Ken Boyer – Civil Eng Services Co. – 5300 Hwy 63 S – Rochester, MN 55904

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CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH
ROCHESTER, MINNESOTA 55904
(507) 282-3776

Narrative

Soil Conditions

Soil depth at the site is very shallow with limestone deposits under the entire site. Consequently, grading will be designed to minimize excavations. Utilities will be kept as shallow as possible.

Storm Drainage Problems

There is a major drainageway bisecting the property. The flow in this ditch is increased due to uncontrolled discharges from developed properties east of U.S. Highway 63. Disruption of development will be minimized by relocating this drainageway to the south and west property lines.

Off-site Drainage Problems

A problem exists immediately north of the northwest corner of the property. Uncontrolled runoff from east of U.S. 63 has contributed to erosion and ponding on the adjoining property to the north. The storm water detention basin proposed in this development should help to alleviate the current conditions.

Utility Availability

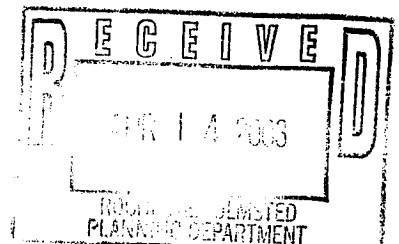
Both sewer and water are available to the site from existing lines in East River Road near the Rochester Public Utility building. Also, as part of this development, a water main will be placed across U.S. 63 at 41st Street to provide fire flows of 3,000 gpm to 4,000 gpm for development in the proposed subdivision.

Potential Erosion Problems

No unique problems are anticipated. It is expected that the proposed development can be completed without excessive erosion. The site is relatively flat and does not involve highly erosive soils.

Potential Phasing

The general development plan will be constructed in at least two phases. The first phase will involve development of the easterly 33.39 acres of the property to create commercial/industrial lots for sale and to get sanitary sewer and water mains to the property currently occupied by Midwest Transportation.



REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10-06-03

105

AGENDA SECTION: CONTINUED PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat. The applicant is proposing to re-subdivide Lot 1, Block 1, Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE (CSAH 22), east of TH 63 and is the property where the Chateau Theatre is located.		PREPARED BY: Theresa Fogarty, Planner

September 25, 2003

NOTE: The applicant called and has requested that this item be continued until the November 3, 2003 Council meeting.

Planning Department Review:

See attached staff report dated August 26, 2003, recommending approval subject to the following conditions:

1. Grading and Drainage Plan for the development of the vacant proposed Lot 2, Block 1 shall be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 2, Block 1, for any increase in impervious surface, if on-site detention is not provided.
2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.
3. Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner shall be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address its obligations regarding the cost for the City to extend utilities.
4. There are items regarding landscaping and stabilization of the rock face that were required by previous Site Development Plan approval for this property, that to date have not been completed. The applicant is required to complete its obligations prior to Site Development Plan approval for Lot 2, Block 1.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

Attachments:

1. Staff report, dated August 28, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10-6-03

107

AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Final Plat #03-31 to be known as Crimson Ridge Second Subdivision		PREPARED BY: Brent Svenby, Planner

September 30, 2003

Planning Department Review:

See attached staff report dated September 30, 2003 recommending approval subject to the following conditions:

1. *The applicant agrees that this plat will have an impact on the City's need for parkland and that the dedication should be handled in the form outlined in the September 10, 2003 Memorandum from the Rochester Park and Recreation Department.*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 8, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extent of Basswood Lane NW. Easement shall be granted to the City prior to the recording of the final plat documents.*
4. *No Parking shall be allowed and "No Parking" signs shall be posted along one side of Basswood Lane NW. All private roadways less than 28 feet in width shall be posted "No Parking" on both sides of the roadway.*

Council Action Needed:

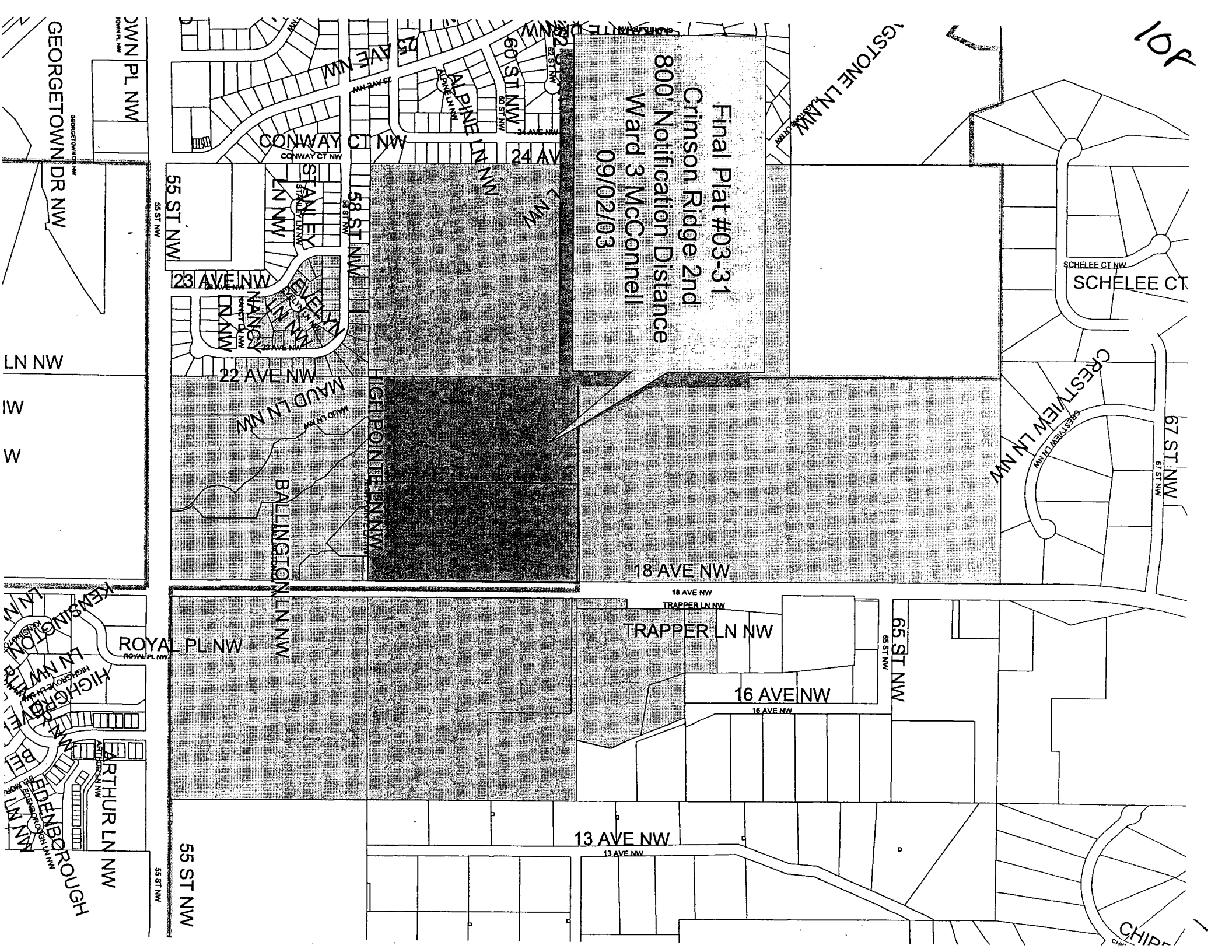
1. *A resolution approving the plat can be adopted.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. Yaggy Colby Associates.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Final Plat #03-31
Crimson Ridge 2nd
800' Notification Distance
Ward 3 McConnell
09/02/03



SCHLEE CT NW

CRESTVIEW LN NW

67 ST NW

18 AVE NW

TRAPPER LN NW

16 AVE NW

13 AVE NW

55 ST NW

ROYAL PL NW

65 ST NW

BALLINGTON LN NW

MAUD LN NW

23 AVE NW

22 AVE NW

24 AVE NW

60 ST NW

ALPINE LN NW

CONWAY CT NW

STANLEY LN NW

NANCY LN NW

55 ST NW

DR NW

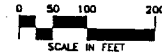
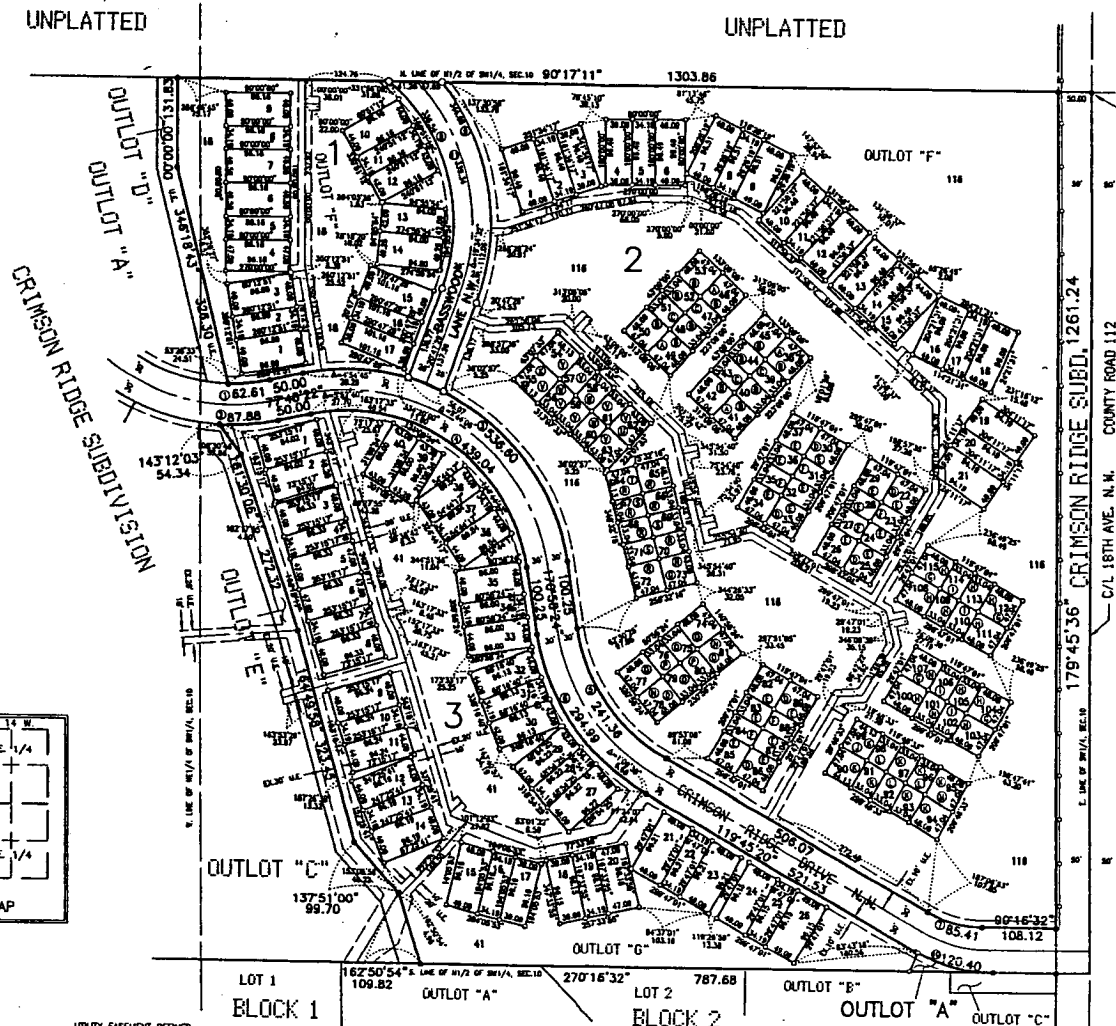
GEORGETOWN

ARTHUR LN NW

KENSINGTON LN NW
HICKORY LN NW
EDENBROUGH LN NW
BELMONT LN NW

CHIP

CRIMSON RIDGE SECOND SUBDIVISION

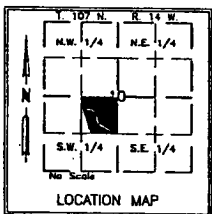


- MONUMENTS**
- Set 1/2" Rebars
 - Set 3/4" Iron Pipes
 - Found Monuments (Pipe, Rod, Etc.)
- All monuments set have a plastic cap stamped L.S. 41887.

BEARINGS
 All bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

CURVE	LENGTH	DELTA	RADIUS	CHORD	CHAZ
1	62.61	137°17'12"	270.00	62.47	84°26'58"
2	87.88	151°53'31"	330.00	87.82	262°26'07"
3	536.60	83°10'02"	330.00	478.41	124°23'23"
4	438.04	83°10'02"	270.00	382.24	304°23'23"
5	241.36	51°13'04"	270.00	233.60	145°21'52"
6	294.89	51°13'04"	330.00	285.77	325°21'52"
7	85.41	28°28'48"	168.00	84.47	105°00'56"
8	336.54	70°53'25"	272.00	310.48	345°20'46"
9	344.68	60°12'33"	328.00	329.04	350°41'12"
10	120.40	28°28'48"	243.00	119.07	105°00'56"
11	338.34	84°48'31"	300.00	321.53	348°23'13"

LINE	LENGTH	AZIMUTH
A	48.08	223°09'05"
B	47.04	313°08'05"
C	33.04	223°09'05"
D	48.08	208°47'01"
E	47.04	298°47'01"
F	33.04	208°47'01"
G	48.03	119°47'01"
H	47.04	208°47'01"
I	33.04	119°47'01"
J	44.13	119°48'33"
K	47.04	28°48'33"
L	33.04	119°48'33"
M	48.08	119°48'33"
N	48.08	50°56'24"
P	47.04	140°56'24"
Q	33.04	50°56'24"
R	43.08	165°32'16"
S	47.04	225°32'16"
T	33.04	165°32'16"
U	48.13	165°32'16"
V	43.08	133°07'33"
W	47.04	43°07'33"
X	33.04	133°07'33"
Y	48.13	43°07'33"



DRAINAGE EASEMENT DEFINED
 An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

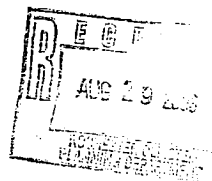
D.E. = DRAINAGE EASEMENT

UTILITY EASEMENT DEFINED
 An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

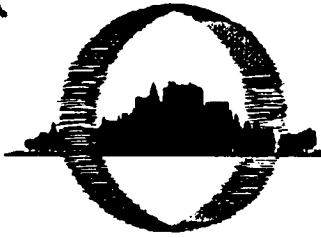
CONTROLLED ACCESS DEFINED
 Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.08.

— CONTROLLED ACCESS —



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110



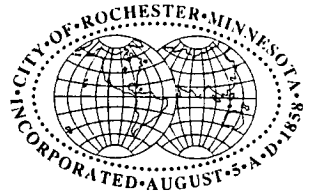
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: September 30, 2003

RE: Final Plat #03-31 Crimson Ridge Second Subdivision

Planning Department Review:

Applicant/Owner: Arcon Development, Inc.
Attn: Larry Frank
7625 Metro Blvd. Suite 350
Edina, MN 55439

Surveyors/Engineers: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Park and Recreation Department
2. Rochester Public Works Department
3. Planning Department – Addressing Staff
4. RPU – Water Division
5. RPU - Operations Division
6. Rochester Park & Recreation

Report Attachments:

1. Referral Comments (3 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:

Location of Property: The property is located along the west side of 18th Ave. NW and north of the Volunteers of America Development.

Zoning: The property is zoned R-2 (Low Density Residential) district on the City of Rochester Zoning Map.

Proposed Development: The Applicant is proposing to subdivide approximately 32.50 acres of land into 175 lots for single family attached housing and one Outlot. The property is located along the west side of 18th Ave. NW and north of the Volunteers of America Development.

Roadways: This plat dedicates the right-of-way for the Basswood Lane NW, which will continue to north when that property is developed. The roadway is designed as

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

111 -

a 33-foot width roadway on a 56-foot wide right-of-way.

The development is also served by a number of private roadways.

Pedestrian Facilities:

A Development Agreement, which includes the requirements for pedestrian facilities, has been executed with the City of Rochester. Pedestrian facilities are required along the west side of 18th Avenue NW.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. A wetland exemption has been approved for a wetland in the northeast corner of the property.

Public Utilities:

Public infrastructure plans have been approved for the development.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. Spill-over parking requirements were reviewed at the time the performance residential plan was reviewed.

Parkland Dedication:

The Rochester Park and Recreation Department recommends that the parkland dedication requirements for this plat be met via cash in lieu of land in the amount of \$109,200. Payment is due prior to the recording of the final plat documents.

General Development Plan:

The plat is consistent with the approved General Development Plan known as Crimson Ridge.

Preliminary Plat:

A preliminary plat was approved for this property on August 19, 2002 with the following four conditions/modifications:

1. The Final Plat shall include:

- ***Controlled Access along the frontage abutting 18th Avenue NW and along the north side of the interior roadway (Street A) from 18th Ave. NW right-of-way west to match the location of the driveway serving the senior housing development in the VOA Development.***
- ***A 20' public utility easement for the water main loop shown between Lots 23 & 24, Block 3 and 10' along the rear of Lot 23, Block 3.***
- ***An additional easement width within Outlots B & D to provide a minimum of 10' from the water main.***
- ***The trail corridor running north/south through the property shall be on a 30' outlot on any lot which is not dedicated to the City.***
- ***Mid-block pedestrian connection in the vicinity of Lots 29-32 and 41-45, Block 3 to provide a pedestrian connection between Street "A" and "C".***

2. *Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities to adjacent properties, and contributions for public infrastructure.*
3. *A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. An access easement to the pond area will be required at the time platting. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement. Facilities serving at least 50 acres shall be platted as Outlot(s) and dedicated to the City.*
4. *In addition to pedestrian facilities being required along both sides of all new public roads within the Plat including frontages of all Outlots, a 10' wide bituminous path is required along the west side of 18th Avenue NW.*
5. *Outlot E shall be dedicated to the City, along with an access easement if there is not sufficient access to a public road.*
6. *Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extent of Streets "B" and "D".*
7. *Street "C" shall be reduced from 36 feet in width to 32 feet (face to face) in width. Street "A" shall be 44 feet (face to face) at its intersection with 18th Avenue NW to accommodate a left turn lane and a right turn lane.*
8. *Parkland dedication shall be met as outlined in the July 11, 2002 memorandum from Rochester Park and Recreation.*
9. *The applicant shall provide a right turn lane from 18th Avenue NW (County Road 112) to Street A and shall obtain an access permit from Olmsted County Public Works.*
10. *The property shall be investigated for wetlands and the necessary information be submitted to the LGU showing if there are or are not wetlands on the property prior to the submittal of any final plats on the property.*

Planning Staff and Recommendation:

The Developer has executed a Development Agreement with the City for this Plat. Therefore, staff would recommend approval subject to the following conditions or modifications:

1. *The applicant agrees that this plat will have an impact on the City's need for parkland and that the dedication should be handled in the form outlined in the September 10, 2003 Memorandum from the Rochester Park and Recreation Department.*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 8, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extent of Basswood Lane NW. Easement shall be granted to the City prior to the recording of the final plat documents.*
4. *No Parking shall be allowed and "No Parking" signs shall be posted along one side of Basswood Lane NW. All private roadways less than 28 feet in width shall be posted "No Parking" on both sides of the roadway.*



113,

ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: September 10, 2003

TO: Jennifer Garness
Planning

RE: Crimson Ridge 2nd
Final Plat #03-31

Acreage of plat.....	32.50 a
Number of dwelling units.....	172 units
Density factor.....	.0244
Dedication	4.20 a
Fair market value of land.....	\$26,000 / a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$109,200 (4.20 a X \$26,000 / a) with payment due prior to recordation of the final plat.

Applicant:
Arcon Development
7625 Metro Blvd, Suite 350
Edina, MN 55439

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

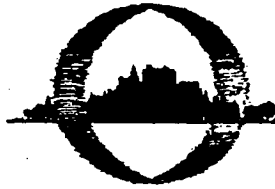
DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

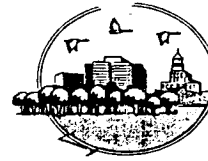
DATE: 9/3/03

The Department of Public Works has reviewed the application for Final Plat #03-31, for the Crimson Ridge Second (replat of Outlots F & G, Crimson Ridge Subdivision) development. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
 2. Execution of a City-Owner Contract is required prior to construction of any public infrastructure that was not included in the City Owner Contract for Basic Construction in Crimson Ridge.
 3. Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extent of Basswood Ln NW.
- ❖ Charges/Fees applicable to the development of this property have been identified in the Development Agreement for this Property.



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: September 8, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald;
Yaggy Colby Associates

**RE: CRIMSON RIDGE SECOND SUBDIVISION
FINAL PLAT #03-31**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$3440.00 (172 LOTS/ADDRESSES)

GIS IMPACT FEE: \$1080.00 (176 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **CRIMSON RIDGE SECOND SUBDIVISION** the GIS / Addressing staff has found no issues to bring forth at this time.

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: September 11, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-31 by Arcon Development, Inc to be known as Crimson Ridge Second Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction. Further information shall be provided to this office regarding the size and construction of the private roadways leading to the single family attached housing units.
 - a) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building within the City of Rochester. The fire apparatus access road shall extend to within 150 feet of all portions of the building or any portion of the exterior wall of the first story as measured by an approved route around the exterior of the building. Verify that the roadways off the public streets are a minimum of 20 feet in width and comply with section 503 of the Rochester Fire Code.
 - b) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posted "No Parking" on both sides of the street.
 - c) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
McGhie & Betts, Inc.
Arcon Development

REQUEST FOR COUNCIL ACTION

MEETING

DATE: October 6, 2003

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: <u>Pebble Creek Special District</u>		PREPARED BY: Phil Wheeler, AICP, Planning Director

October 2, 2003

Background:

The Rochester Planning and Zoning Commission conducted a hearing on the proposed Pebble Creek Special District and General Development Plan at its regularly scheduled meeting of September 24, 2003, and voted 7-0 to recommend approval of the proposed Special District and General Development Plan with the following conditions:

1. Submittal of Character Intent Images for residential dwelling types. The purpose of this submittal is to provide a basis for reviewing architectural mix requirements in the NRD and URD at the time of permit approval. This can easily be resolved prior to Council action on the Special District and GDP, possibly by requiring an updated list of character intent images to be submitted with preliminary plats.
2. Preparation of a Development Agreement addressing underlying standards and the effective duration of special district approval. This is addressed in the Special District text by reference and is a joint responsibility of the City and the Applicant.
3. The applicant will need to agree to stormwater management charges applying to the property based on land use. These charges will provide credit for maintenance of the storage capacity of the wetlands and waterway.
4. Provision for construction and maintenance of the "Future Potential Trail" and midblock signage. The Development Agreement should provide for dedication of the trail area and construction of the trail and signage.
5. The applicant will need to agree to maintain the viability of any wetlands intended to be dedicated to the City and to enter into an Ownership & Maintenance Agreement, drafted by the City, in the event a decision is made through the development process that the Outlot(s) containing the wetlands will remain in private ownership.
6. Dedication of controlled access will be required through the platting process for the entire frontages of the perimeter roadways, with the exception of any approved public streets access locations. No direct private driveway access will be permitted to any of the perimeter roadways. Additional Controlled Access will be required within 200 feet of 'A' & 'E' street intersections with any of the perimeter roadways, within 150 feet of 'B' street intersections of any perimeter roadway, and within 35 feet from the intersections of any other public roadway with a perimeter roadway.
7. The southerly access to 60th Ave NW should be shifted to line up directly across from the access in the Kingsbury Hills development as was shown on the previous Special District / GDP Plan for Pebble Creek.
8. Any realignment on this Property of Valleyhigh Rd NW and the intersection with 60th Ave NW shall be consistent with the "60th Ave NW Corridor Management Plan", and may impact the proposed southerly access to 60th Ave NW. In the event the approved Corridor Plan shows the realigned intersection of Valleyhigh Rd NW & 60th Ave NW to be south of this Property, the southerly access to 60th Ave NW shown on the revised Special District GDP plan shall be eliminated.

Recommendation:

The staff recommends approval of the Special District and General Development Plan included in the attached staff report.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare an ordinance that can be adopted. The Council's decision must be supported by findings based on the criteria listed in the Rochester Zoning Ordinance and Land Development Manual (see attached staff report).

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ROCHESTER – OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE, SUITE 100, ROCHESTER, MN, 55904-4744
PH: (507) 285-8232 FAX: (507) 287-2275

To: Rochester Planning and Zoning Commission
From: Phil Wheeler, AICP, Planning Director
Date: September 24, 2003
Re: General Development Plan #209 to be known as Pebble Creek

Most ordinance language and general development plan issues related to the Pebble Creek Special District have been resolved. Revisions to the ordinance provide for mixed density and mixed use development, a range of densities and housing styles, a pedestrian-friendly environment in commercial and residential areas, significant amounts and types of open space, and attractive connecting pedestrian ways and streets. GDP revisions provide for the preservation of green space and public access along the drainage way and a desirable system of parks and landscaped streets.

The issues mentioned in the memo sent with the Commission packet are resolved to the satisfaction of staff as follows:

1. Street dimensions: The GDP includes a revised street map and a table of dimensions satisfactory to staff. there appears to be a discrepancy between the Fire Department's positions on minimum street width for streets with parking. All parties agree that maintenance of 20 feet travel way is required. Provision of a six foot parking lane on a 26 foot street accomplishes this, so the Fire Department's concern that the minimum street width for a street with parking should be 28 feet do not appear justified.
2. Projecting garages in the URD: The revised language addresses limitations on the location of townhouses with projecting garages in the URD.

Recommended Conditions and Findings:

Conditions:

1. Submittal of Character Intent Images for residential dwelling types. The purpose of this submittal is to provide a basis for reviewing architectural mix requirements in the NRD an URD at the time of permit approval. This can easily be resolved prior to Council action on the Special District and GDP, possibly by requiring an updated list of character intent images to be submitted with preliminary plats.
2. Preparation of a Development Agreement addressing underlying standards and the effective duration of special district approval. This is addressed in the Special District text by reference and is a joint responsibility of the City and the Applicant.
3. The applicant will need to agree to stormwater management charges applying to the property based on land use. These charges will provide credit for maintenance of the storage capacity of the wetlands and waterway.
4. Provision for construction and maintenance of the "Future Potential Trail" and midblock signage. The Development Agreement should provide for dedication of the trail area and construction of the trail and signage.
5. The applicant will need to agree to maintain the viability of any wetlands intended to be dedicated to the City and to enter into an Ownership & Maintenance Agreement, drafted by the City, in the event a decision is made through the

perimeter streets will be provided for either directly or through the Development Agreement.

- 5) *On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.* Phasing of development will be required to provide for concurrent provision of street and other infrastructure capacity.
- 6) *The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.* Public Works is satisfied that erosion and drainage can be handled.
- 7) *The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.* Adjacent parcels are separated by major streets from this development, so the compatibility concerns sometimes associated with large lot development do not apply. Detailed lot configuration concerns will be addressed at the time of preliminary platting.

Recommendation:

Planning staff recommends approval of the Special District Ordinance and General Development Plan subject to the above conditions.

MINUTES OF THE CITY OF ROCHESTER PLANNING COMMISSION (draft)

CONTINUED ITEMS:

Proposed Special District #14 to be known as Pebble Creek and General Development #209 to be known as Pebble Creek by Western Walls, Inc. The Applicant is proposing to zone approximately 56.70 acres of land to a Special District. The Special District includes a General Development Plan for approximately 390.93 acres of land identifying the development of the land. Future land uses proposed include neighborhood commercial centers, urban residential areas and neighborhood residential areas. The Special District also proposed modified roadway sections, smaller lot dimensions and setbacks. The property is located along the west side of 60th Ave. NW, north of Valleyhigh Road NW and south of 55th Street NW.

Mr. Philip H. Wheeler presented the staff reports, dated September 17, 2003 and September 24, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Wheeler handed out 3 documents. He pointed out the changes made in Section 64O.210, Section 64O.220, and Section 64O.800. He explained that the Ordinance submitted to the Commission is consistent with the overall concept, but has many changes from the first submittal with regard to language. The first major change was reducing sub districts from 4 to 3 and have area accessory uses that can occur anywhere. The minimum lot size was lowered, with a new standard for average lot size, which increases flexibility. He discussed projecting garages being limited.

Ms. Rivas asked if it was an administrative reason for having one side of the street with projecting garages only.

Mr. Wheeler responded that the applicant provided a layout showing where walk outs would be desirable. It happened to be that it always occurred on only one side of the street. The 60% limit on lots with projecting garages was arrived through many conversations.

Ms. Rivas expressed concern that there are no architectural standards being applied.

Mr. Wheeler questioned what the acceptable minimum standard should be for any district. He indicated that it is possible to conclude that giving up the normal standards from the R-1 and R-2 standards could be the preservation of the trail, wetland drainage area, alignment of various commercial and residential uses, and pedestrian amenities. The relevant sections require a mix of architectural styles and submittal of character intent images with the GDP.

Ms. Rivas asked who would decide what the acceptable architectural style would be.

Mr. Wheeler responded staff. He explained that the special district allows for more affordable housing than other special districts that have been approved in the past. This reason should not be the only reason to approve the special district, but should be a factor.

Ms. Wiesner asked if staff would deny permits if the structures did not look like the images submitted by the applicant.

Mr. Quinn stated that the property is covered by an Orderly Annexation Agreement. He asked how it would affect the process of development.

Mr. Wheeler stated that the Commission would not need to be involved in the annexation proceedings. If the special district is approved and the property is annexed into it, the ordinance language provides for its extension to the balance of the general development plan. He indicated that he is not sure procedurally how it will occur. The City cannot adopt an ordinance for land outside its boundaries unless extension of zoning authority is covered in an Orderly Annexation Agreement. He stated that he would have to confer with the City Attorney on the procedures for extending the area covered by the Special District.

Mr. Andy Masterpole, of McGhie and Betts, Inc., addressed the Commission. He stated that they took out the Civic District and replaced it with single family housing. The intent was to allow for civic type uses throughout the rest of the development. They modified the small park in the northwest corner of the site by removing the perimeter of houses around it and created more of a town square. He explained the cost savings of small street widths, as well as being safer due to reduced speeds. They are proposing parking on one side of the streets in the low density residential areas.

Ms. Joan DeWitz, of 604 11 Avenue NW, Rochester MN, addressed the Commission. She asked if anyone had questions with regard to the character images.

Ms. Rivas asked if they were proposing to use any of the character images.

Ms. DeWitz responded yes. She explained that the housing styles could change in 15 years. Therefore, they are only submitting the 5 images for this phase of development.

Ms. Rivas asked if there would be landscaping requirements for each residential lot.

Ms. DeWitz responded no. She indicated that people typically landscape their property within 2 years. By not landscaping the property, it keeps the cost affordable.

Ms. Rivas asked why the porch width would only be 6 feet.

Ms. DeWitz responded it was due to the projecting garage.

Mr. Chuck DeWitz, of 604 11th Avenue NW, Rochester MN, addressed the Commission. He stated that the only staff recommended condition that he questions is number 6 regarding access to be within 75 feet from the intersections of any other public roadway with a perimeter roadway. He stated that he thought the agreement was for 35 feet. He indicated that he thought it was a typographical error.

Mr. Wheeler agreed that it should be 35 feet.

Mr. DeWitz agreed with Mr. Wheeler presentation of the proposed development.

Ms. Rivas stated that she liked all the green space in the development.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

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Property, the southerly access to 60th Ave NW shown on the revised Special District GDP plan shall be eliminated.

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PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

September 24, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Pebble Creek and General Development Plan #209 by Western Walls, Inc. and has the following comments:

- ***Access control will be required along 60th Ave NW***
- ***100 feet minimum right of way width will be required.***

Sincerely,

Michael Sheehan
County Engineer

MTS/ts



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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



ROCHESTER PARK AND RECREATION DEPARTMENT

September 18, 2003

TO: Jennifer Garness
Planning

RE: Pebble Creek
General Development Plan #209 ****REVISION 2****

Depending on the actual number of dwelling units, the proposed 390 acre development will have a parkland dedication requirement of between 40-58 acres. Dedication should be in the form of a combination of land and cash in lieu of land.

The centralized location of the proposed 9.8 acre neighborhood park is excellent in that all residential development within the subdivision is within $\pm 2,000'$ of the park. The Park Department is recommending approval of the park layout and location.

The 2.2 acre park identified as 'town square' should be identified as a neighborhood park. The Park Department is recommending approval of the 2.2 acre park layout and location.

The GDP does not indicate what lands are intended to be public and which are to remain private. The ownership of the wetland / drainage corridors is not indicated on the plan.

SEP 25 2003

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ROCHESTER – OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE, SUITE 100, ROCHESTER, MN, 55904-4744
PH: (507) 285-8232 FAX: (507) 287-2275

To: Rochester Planning and Zoning Commission
From: Phil Wheeler, AICP, Planning Director
Date: September 17, 2003
Re: Pebble Creek General Development Plan and Special District

City staff and the applicant have met several times, with numerous side conversations, to work out most ordinance language and general development plan issues related to the Pebble Creek Special District. Revisions to the ordinance provide for mixed density and mixed use development, a range of densities and housing styles, a pedestrian-friendly environment in commercial and residential areas, significant amounts and types of open space, and attractive connecting pedestrian ways and streets. GDP revisions provide for the preservation of green space and public access along the drainage way and a desirable system of parks and landscaped streets.

Special District Ordinance Text:

The attached ordinance is a significant revision to the July draft ordinance. Organizationally, all regulations applying to specific land use areas are grouped together. There are only three such areas, the civic-institutional areas having been eliminated (due to the availability of all parts of the site for area accessory development). All three remaining areas provide for a mix of densities and two of the three provide for a mix of uses. Both the Neighborhood Commercial District (NCD), which allows up to 25% of the ground floor area to be used for residential uses, and the Urban Residential District (URD), which allows the first 150 feet of block depth abutting the NCD to be used for commercial uses, accommodate mixed use.

Architectural standards are clarified for all districts. Some of the required architectural information will be provided during the course of development as plats are submitted. The role of the Planning Commission in reviewing site plans in the NCD is spelled out.

The attached ordinance is still in draft form. It has the support of both the staff (Planning and other city departments) and the developer, with two unresolved issues: the width of "B" streets and the architectural style of townhouses in the Urban Residential District (URD).

Width of streets: Staff recommend that "B" streets be constructed at 36 feet wide, sufficient to provide two travel lanes and two parking lanes as well as to provide two through lanes and left turn lanes in each direction at intersections. The need for turn lanes is dependent on volume, which in turn depends on the proportion of trips attracted to "B" streets. The applicant contends that the grid system provided for in the GDP will draw enough trips off the "B" streets to enable them to function without turn lanes. We will review the trip assignment before the Commission meeting and provide a revised recommendation if warranted.

Style of Townhouses in the URD: The City has an interest in ensuring that the pedestrian-friendly atmosphere of the proposed development is maintained. Garages

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09/17/03

that project closer to the street than the principal structure are considered in the literature on new urbanist development to detract from that atmosphere. In the Neighborhood Residential District, this issue is addressed by limiting the location of units that can have projecting garages (one side only of any street), the proportion of those houses (60% of the structures on that side), and the extent of projection (12 feet). Finally, where a house has a projecting garage, it must also have a porch.

The latest draft of the ordinance provides that 50% of structures in the URD must be built at a 15 foot setback. This means that for those structures, garages will be located behind the front of the house by at least five feet (since garages must have a 20 foot setback). The draft is silent on the attributes of projecting garages for those structures which have them, so conceivably if half of the structures are multi-family structures and the other half are townhouses, all townhouses could have projecting garages with no requirement for porches and no limit on the extent of the projection.

The applicant has suggested as an alternative eliminating the 50% requirement for setbacks, but also adding requirements for front porches where garages project beyond principal structures and limiting the extent of the projection to 12 feet (as required in the Neighborhood Residential District).

We have not had the opportunity to review this alternative with other staff in the Planning Department or other city agencies. By the time of the meeting, we will provide the Commission with a recommendation on these alternatives.

General Development Plan

The process of refining the ordinance text has resolved most of the 24 issues raised about the GDP in the July 9, 2003 staff report. All matters pertaining to parkland and stormwater management have been resolved. Street design questions remain, along with associated questions tied to street widths. By the time of the Commission meeting, we will have a recommendation reflecting City staff positions on street-related issues.

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ORDINANCE NO. _____

AN ORDINANCE CREATING AND ENACTING CHAPTER 64(),
AND AMENDING AND REENACTING SECTION 60.327 OF THE
ROCHESTER CODE OF ORDINANCES, RELATING TO THE
ESTABLISHMENT OF THE PEBBLE CREEK SPECIAL DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 64 of the Rochester Code of Ordinances is hereby created
and enacted to read as follows:

64O. PEBBLE CREEK SPECIAL DISTRICT

64O.050. The purpose of this Special District is to provide for zoning regulations
that will be administered in the Pebble Creek Special District, as required in Section
62.900 of the Rochester Code of Ordinances (City of Rochester Zoning Ordinance and
Land Development Manual). The following are the goals, objectives and special
regulations of the Pebble Creek Special District.

64O.100 BOUNDARIES OF THE LAND.

This ordinance shall apply to the following described property located within the
City of Rochester, County of Olmsted, State of Minnesota:

All of the Northeast Quarter of Section 13, and all of the East Half of the Northwest
Quarter of Section 13, Township 107 North, Range 15 West, Olmsted County,
Minnesota.

ALSO:

That part of the Southeast Quarter of Section 13, Township 107 North, Range 15 West,
Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 13;
thence North 00 degrees 02 minutes 04 seconds East, assumed bearing, 1960.15 feet
to the southwest corner of the North 40.00 acres of the Southeast Quarter of said
Section 13; thence North 89 degrees 55 minutes 47 seconds East, 1004.86 feet for a
point of beginning; thence South 00 degrees 02 minutes 04 seconds West, parallel with
the west line of Southeast Quarter, 1120.62 feet to the centerline of County Road No. 4
(as described in Book Y-3 of Miscellaneous Records, Page 283, Olmsted County
Recorder's Office); thence South 72 degrees 44 minutes 53 seconds East, along said
centerline, 845.51 feet; thence continue southeasterly 935.12 feet, along said
centerline, along a curve, concave to the southwest, central angle of 46 degrees 45

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minutes 20 seconds, radius of 1145.92 feet and chord of said curve bears South 49 degrees 22 minutes 13 seconds East, 909.39 feet to the south line of said Southeast Quarter; thence South 89 degrees 57 minutes 02 seconds East, along said south line, 141.90 feet to the southeast corner of said Southeast Quarter; thence North 00 degrees 02 minutes 35 seconds West, along the east line of said Southeast Quarter, 1965.67 feet to the southeast corner of the north 40.00 acres of said Southeast Quarter; thence South 89 degrees 55 minutes 47 seconds West, parallel with the north line of said Southeast Quarter, 1637.39 feet to the point of beginning.

ALSO:

That part of the West One Half of the Southeast Quarter of Section 13, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 13; thence North 00 degrees 02 minutes 04 seconds East, assumed bearing, 1449.02 feet for a point of beginning; thence continue North 00 degrees 02 minutes 04 seconds East, 511.13 feet to the southwest corner of the North 40.00 acres of the Southeast Quarter of said Section 13; thence North 89 degrees 55 minutes 47 seconds East, along the south line of said North 40.00 acres, 1004.86 feet; thence South 00 degrees 02 minutes 04 seconds West, parallel with the west line of Southeast Quarter, 1120.62 feet to the centerline of County Road No. 4 (as described in Book Y-3 of Miscellaneous Records, Page 283, Olmsted County Recorder's Office); thence North 72 degrees 44 minutes 53 seconds West, along said centerline, 417.87 feet; thence northwesterly 336.01 feet, along said centerline, along a curve, concave to the northeast, central angle of 00 degrees 30 minutes 14 seconds, radius of 38197.19 feet and chord of said curve bears North 72 degrees 29 minutes 46 seconds West, 336.01 feet to a point being 285.20 feet east of, as measured at right angles to the west line of said Southeast Quarter; thence North 00 degrees 02 minutes 04 seconds East, parallel with said west line, 383.09 feet; thence North 89 degrees 57 minutes 56 seconds West, 285.20 feet to the point of beginning. Being subject to an easement for the County Road No. 4 right of way over the southerly boundary thereof.

ALSO:

That part of the East one Half of the Southwest Quarter of Section 13, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Southwest Quarter of said Section 13; thence North 00 degrees 02 minutes 04 seconds East, assumed bearing, along the east line of said Southwest Quarter, 1158.30 feet to the centerline tangent of County Road No. 4 (as described in Book C-4 of Miscellaneous Records, Page 402, Olmsted County Recorder's Office); for a point of beginning; thence North 71 degrees 47 minutes 23 seconds West, along said centerline tangent, 1376.11 feet to the west line of the East One Half of said Southwest Quarter; thence North 00 degrees 05 minutes 53 seconds West, along said west line, 1029.76 feet to the northwest corner of the East One Half of

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said Southwest Quarter; thence North 89 degrees 55 minutes 47 seconds East, along the north line of said Southwest Quarter, 1309.82 feet to the northeast corner of said Southwest Quarter; thence South 00 degrees 02 minutes 04 seconds West, along the east line of said Southwest Quarter, 1461.40 feet to the point of beginning.

ALSO:

The North 40.00 acres of the southeast Quarter of Section 13, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing in all, 390.93 acres more or less.

64O.200. LEGISLATIVE INTENT AND FINDINGS.

Subd. 1. Performance Goal: Pebble Creek provides an alternative to single-use zones and offers a different mixed-use development that is environmentally sensitive, affordable, and socially aware.

Subd. 2. This Special District is established to foster the development of a comprehensively planned, affordable neighborhood. This is accomplished by providing a variety of land uses, housing types/densities and considerable open space connectivity. Architectural controls and landscape design are also used to create a balance for the proposed higher density. The site's size and location, adjacent to 60th Avenue NW (a future expressway) and Valley High Drive NW, makes this an ideal place to create a district that makes efficient use of developable land with a compact, mixed-use development plan.

This type of development is consistent with the goals and policies of the City's Land Use Plan and Housing Plan, which encourages locating mixed-use, and higher density residential uses at the intersections of major streets.

64O.210. ESTABLISHMENT OF PEBBLE CREEK SPECIAL DISTRICT.

Subdivision 1. Pursuant to Section 62.900 of the Rochester Code of Ordinances, the Rochester Common Council hereby creates a special zoning district to be known as the Pebble Creek Special District ("Special District"). The Special District is an overlay zoning district designed to bring about the innovative development of the Site. As a part of this Special District, the property will be divided into three sub-districts (see Exhibit B). The regulations set forth in this Special District supersede the regulations of the noted underlying zoning district. Unless otherwise specified within these regulations, except as modified by Development Agreements, all other standards and requirements of the Rochester Zoning Code and Land Development Manual remain in effect.

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Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings:

- A. This Special District offers diverse housing options, including a wide range of single family residential, townhouses, and multi-family in one integrated neighborhood community. The development provides for a mixture of housing styles and costs. It also provides for a neighborhood retail service within a walkable distance, which reduces automobile usage.
- B. The development preserves the major drainage corridor and provides interconnectivity of diverse housing areas and types to parks, open space, and neighborhood retail.
- C. The development is unique and is a large parcel of land being proposed by one owner. It provides an opportunity to establish a cohesive neighborhood with open spaces that will promote social interaction.
- D. The site design will be compatible with adjoining neighborhoods.

64O.220 Subdistrict Regulations

Subdivision 1. There are three subdistricts established in this Special District, including a "neighborhood residential district," an "urban residential district," and a "neighborhood center district." The following regulations apply within the subdistricts established in this special district:

- A. Neighborhood Residential District (NRD) The following regulations apply within the area identified as "Neighborhood Residential District" on the Pebble Creek General Development Plan.
 - 1) Unless otherwise specified in this special district, the regulations of the R-1 District shall apply within the NRD.
 - 2) Permitted uses shall include all Type I uses permitted in the R-2 District with the exception of duplexes. All permitted uses shall be classified as Type I uses.
 - 3) Lot development standards
 - a. Lots within the NRD shall have no minimum required lot area.
 - b. Blocks within the NRD shall provide for architectural styles and may provide for a mix of lot sizes consistent with the overall architectural standards of the special district.
 - c. Street trees (1-1/2" caliper) shall be installed at the rate of one street tree per lot, for "single family" areas, or either one street tree per dwelling or one street tree per 35' of street length, whichever is fewer, along the sides of streets identified as having street trees in the NRD area of the general development plan.
 - d. For the length of any block, no more than one side of any street may include lots with a projecting garage (see definition). For that side of the street, no more than 60% of the lots may have projecting garages. To the extent

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- feasible, lots with projecting garages should be concentrated toward the ends of blocks. The sides of streets accommodating projecting garages shall be identified at the time of final plat approval.
- e. A projecting garage in the NRD shall not project more than 12 feet beyond the principal building. All such buildings shall have a minimum front yard of 20 feet and shall be provided with front porches at least one step above the adjacent ground elevation with a depth of at least six feet extending along the front of the principal building for its entire width, excluding an extended foyer, for its entire width. A porch may be provided extending along the front of a principal building from the side of an extended foyer.
 - f. Garages with vehicle access oriented away from the street shall include windows on the side toward the street. This does not include garages with access from an alley.
 - g. Lots in blocks identified as "single family" on the Pebble Creek General Development Plan shall meet the standards of Section 62.231 and 62.232 with the following modifications:
 - (1) Minimum lot width at the building line shall be 35 feet with a minimum average lot width at the building line of 55 feet for each block within the NRD.
 - (2) Minimum front yard shall be 15 feet.
 - (3) The minimum sum of side yards shall be 10 feet. Minimum side yard for other than zero lot line dwellings shall be 3 feet.
 - (4) Side street yard setback shall be 11 feet.
 - (5) For all streets in the NRD area of the general development plan not identified as having street trees provided by the developer, plats shall include covenants requiring that lot owners provide at least one street tree in boulevard areas within 5 years of issuance of a building permit for the property.
 - h. Lots in blocks within the NRD identified for dwelling styles other than "single family" shall meet the standards of Section 62.231 and 62.232 with the following modifications:
 - (1) For all lots in blocks identified on the General Development Plan for "compact single family" or "patio home" styles, the following standards shall apply:
 - (a) Minimum lot width at the building line shall be 30 feet with a minimum average lot width at the building line of 35 feet for each block within the NRD.
 - (b) Minimum front yard shall be 15 feet.
 - (c) The minimum sum of side yards shall be 10 feet. Minimum side yard for other than zero lot line dwellings shall be 3 feet.
 - (d) Side street side yard setback shall be 11 feet.
 - (e) The number of dwellings in any block shall not exceed 15 per acre of lot area in the block.
 - (2) For all areas within the NRD identified on the General Development Plan for townhouse style development, and for other development styles with

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Common Interest Community (CIC) plats, the following standards shall apply:

- (a) Minimum front yard shall be 15 feet. Front yard setbacks on private streets shall be measured from face of curb for both "access roadways" and "limited access roadways".
 - (b) Side street side yard setback shall be 11 feet and shall apply to both private and public streets.
 - (c) The number of dwellings in any block shall not exceed 15 per acre of area in the block.
 - (d) On-street parking shall be counted toward meeting parking requirements for areas in the NRD identified for townhouse development.
 - (e) In blocks abutting parks and open space corridors, landscaped area and recreation area requirements may be reduced by 50%.
- (3) For all streets in the NRD area of the general development plan not identified as having street trees provided by the developer, plats shall include covenants requiring that at least one street tree in boulevard areas per dwelling or one street tree per 35 feet of street length, whichever is fewer, be provided within 5 years of issuance of a building permit for the property.
- 4) Architectural Standards. Blocks within the NRD shall provide for an adequate mix of architectural styles, as shown in the residential character intent images relevant to the block, consistent with the overall architectural standards of the special district. The adequacy of mix in architectural styles shall be determined in accordance with the following standards:
- a. No more than three abutting dwellings shall have the same architectural style.
 - b. Except for townhouses and patio homes, where abutting dwellings have the same style, either the orientation of the building or the exterior finish shall be varied.

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B. Urban Residential District (URD)

- 1) Unless otherwise specified in this special district, the regulations of the R-3 District shall apply within the URD.
- 2) Permitted uses shall include the following:
 - a. all Type I uses permitted in the R-3 District with the exception of duplexes
 - b. Area accessory development in accordance with the procedure types applicable in the R-3 District.
 - c. Where the URD abuts a neighborhood center district either directly or across a street, uses permitted in the NCD and meeting the architectural, lot development, parking, and signage standards of the NCD, shall be allowed within the first 150' of block depth of the URD, with the following requirements:
 - (1) There shall be no drive-in facilities, car washes, parking facilities as a principal use, nor sale of automotive fuels.
 - (2) Building setbacks shall not exceed 15 feet.
 - (3) Hours of operation standards of the B-1 District shall apply to all uses.
 - (4) Residential uses may occupy 100% of the block frontage.
 - (5) Parking lot screening and landscaping requirements of the NCD District shall apply to all accessory parking areas associated with non-residential uses.
 - (6) Bufferyard requirements shall not apply to non-residential uses.
 - d. All residential uses shall be classified as Type I uses. All non-residential uses shall be processed in accordance with the procedures applicable in the NCD subdistrict.
- 3) Lot development standards
 - a. Street trees (1-1/2" caliper) shall be installed at the rate of one street tree per dwelling or an average of one street tree on each side of street per 35 feet of street length, whichever is fewer, along the side of streets identified as having street trees in the URD area of the general development plan.
 - b. For all areas within the URD identified on the General Development Plan for townhouse style development, the following standards shall apply:
 - (1) Minimum front yard setbacks shall be 15 feet. Front yard setbacks on private streets shall be measured from face of curb for both "access roadways" and "limited access roadways".
 - (2) Blocks along drainage features may provide for projecting garages. A projecting garage in the URD shall not project more than 18 feet beyond the principal building. All such dwellings shall have a minimum front yard of 20 feet and shall be provided with front porches at least one step above the adjacent ground elevation with a depth of at least six feet extending along the front of the principal building for its entire width, excluding an extended foyer, for its entire width. A porch may be provided extending along the front of a principal building from the side of an extended foyer.

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- (3) Steps, eaves, decks, and private patios enclosed with a fence or columns are permitted in the front yard setback. All patios must be setback a minimum 3 feet from right of way or private street easement.
- (4) Minimum side street yard setback shall be 11 feet
- (5) Minimum rear yard shall be 5 feet
- (6) The number of dwellings in any block shall not exceed 18 per acre of area in the block.
- (7) On-street parking shall be counted toward meeting parking requirements for areas in the NRD identified for townhouse development.
- c. For all areas within the URD identified on the General Development Plan for multi-family style development, the following standards shall apply:
 - (1) Minimum front yard setback shall be 12 feet. Steps, eaves, decks, private patios and fence/hedges for court yards are permitted to encroach within the setback
 - (2) Minimum rear yard setback shall be 6 feet
 - (3) Minimum side yard setback shall be 6 feet
- d. In blocks abutting parks and open space corridors, landscaped area and recreation area requirements may be reduced by 50%.
- 4) Architectural Standards. Blocks within the URD shall provide for a mix of architectural styles, as shown in the residential character intent images relevant to the block, consistent with the overall architectural standards of the special district.

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C. Neighborhood Center District (NCD)

- 1) Unless otherwise specified in this special district, the regulations of the B-1 District shall apply within the NCD.
- 2) Site Development Plan and Site Plan Review: A site development plan for uses in the Neighborhood Center Districts shall be prepared and submitted for review in accordance with the standard requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Commission will conduct a site plan review without a public hearing for uses within the NCD to determine whether plans are consistent with the overall architectural standards and character of this Special District.. Proposed uses in the NCD shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking, and landscaping.
- 3) Convenience retail, restaurants, retail trade, drinking and entertainment uses shall be exempt from the hours of operation requirements of the B-1 District.
- 4) Stacking requirements for drive-in facilities shall be reduced to 4 inbound and 1 outbound space per lane.
- 5) Permitted uses shall include the following:
 - a. all Type I uses permitted in the B-1 District with the exception of the following uses:
 - (1) Manufactured home park.
 - (2) Sales & storage lots
 - (3) Sand or gravel excavation
 - (4) Trade Shops
 - (5) Use of storage containers
 - (6) Duplexes
 - (7) Wholesaling
 - (8) Trade shops
 - (9) Transportation services
 - b. Additional uses permitted in the NCD shall be as follows:
 - (1) membership services
 - (2) drinking and entertainment.
 - (3) Bed and breakfasts
 - (4) Congregate housing
 - (5) Accessory apartments
 - (6) Car washes accessory to a convenience retail use or automotive maintenance service
 - (7) Veterinary services.
 - (8) Emergency services.
 - (9) Drive in facilities associated with a fast food restaurant or financial institution
- 6) Limitations on permitted uses:
 - a. No more than one convenience retail use that includes sales of automotive fuels may be permitted in each NCD.

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- b. Apartments, accessory apartments, congregate housing, and condominium residences shall occupy no more than 25% of the ground floor space of any block in the NCD.
- c. With the exception of transient accommodation and restaurant uses, individual businesses shall not exceed 10,000 square feet of floor area on the ground floor.
- d. Where parking lots or structures are established as a principal use, the interruption in buildings along the street frontage for accessing parking areas shall be limited to 40 feet. Parking structures established as a principal use shall not exceed five floors above ground level.
- e. All uses in the NCD shall be treated as Type II uses with the following changes in procedure:
 - (1) The Zoning Administrator shall not send a Notice of Proposed Action to affected parties;
 - (2) The Commission shall take action either to uphold, to reverse, or to modify the preliminary decision of the Zoning Administrator without conducting a public hearing.
 - (3) Affected parties shall not have the right to request a hearing before the Commission.
 - (4) Following the decision of the Commission, the Zoning Administrator shall proceed as directed in Section 60.525.
- 7) Lot development standards
 - a. Facilities for private refuse disposal and recycling shall be enclosed by a solid fence overall and landscaping shall be installed around the perimeter (except in underground parking).

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- b. Benches, trash containers for public areas, and movable planters, are required to add vitality to the street scene. These items may be adjacent to the front of a building, in the public right-of-way, or may be in a landscaped area adjacent to the front of the building.
- c. Bicycle-locking stands are required in each neighborhood center area. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leaseable space, excluding parking and storage. These stands must harmonize with the architecture of the retail area.
- d. One street tree for every 35 feet of public street length shall be provided. The distance between trees may vary. These trees shall be 2" caliper and planted in beds or tree grates with a minimum width depth and/or diameter of five feet.

8) Parking

- a. Business center parking standards shall be used. Parking shall be provided for residential units in the NCD at the rate of one off-street stall per unit is required and parking for residences must be reserved.
- b. Parking shall be located on the side or to the rear of the retail uses. Besides on-street parking, no parking in front of the retail uses shall be allowed. On street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.
- c. Parking lot screening:
 - (1) All parking areas containing more than six spaces (if not screened by the building from the public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a 36" high berm, or a low wall (42" minimum height). These landscaped areas must be a minimum of 3'-0" wide. Where angle or perpendicular parking is adjacent to these areas, then the minimum width shall be 5'-0". Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".
 - (2) Parking lots for apartments/multi-family units will not be required to be screened with a hedgerow. A landscaped area of trees and shrubs shall be provided to draw attention away from the parking area.
- d. Parking lot landscaping:
 - (1) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
 - (2) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
 - (3) Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1-1/2" caliper and minimum size for understory tree is 1 inch caliper). The landscape islands shall not be used for snow storage and any planting

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must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

9) Signs

- a. Sign standards: Signs shall add interest to the street level environment. They shall unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs shall be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements.:
 - (1) Pedestrian-oriented blade and window signs.
 - (2) Marquee signs and signs on over-head weather protection.
 - (3) Appropriately sized neon signs.
- b. Type B sign standards shall be used with the following modifications:
 - (1) Free standing signs – maximum height is 15 feet.
 - (2) Projecting signs maximum size is 20 square feet.
 - (3) Graphic signs maximum area is 15% of wall.

10) Architectural Standards:

- a. Standards for all uses:
 - (1) Each building shall avoid long, monotonous, uninterrupted walls or roof planes. The façade of a building facing the street should be divided into distinct modules, no longer than 150 feet.
 - (2) Mechanical equipment, electrical and communication transformers, cabinets, etc., and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.
 - (3) Dwellings and parking shall not occupy more than five floors above ground in any structure
- b. Standards for Convenience Retail Uses
 - (1) Convenience Retail uses shall locate automotive fuel service and drive-in service areas away from residences and toward the perimeter streets on the General Development Plan (50th and 60th Avenues NW, 55th Street NW, and Valley High Drive NW).
 - (2) Light from lighting fixtures and signage, and sound from sound-producing equipment shall be deflected away from residences.
 - (3) Foundation landscaping and windows shall be provided along all building sides that are open to view from public streets.
 - (4) Perimeter landscaping at least five feet in depth shall be provided along public streets between sidewalks and driveway or parking areas.
- c. Standards for Other Uses: Uses shall meet the intent of similar character represented in Exhibit "C" and shall be reviewed in accordance with the standards of this special district in addition to the following standards:
 - (1) All sides of the building façade shall be designed to provide architectural and visual interest.

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- (2) A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
- (3) Awnings, covered walkways, open colonnades, or similar weather protection must be provided by at least 25% of the commercial (retail and service) uses that front the right of way.
- (4) Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- (5) Except for drive-in facilities, a minimum two-story façade is required.
- (6) Exterior materials shall include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
- (7) Except for drive-in facilities, a minimum of 50% of the building front shall be within five feet of the right of way.
- (8) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.

64O.240. GENERAL DEVELOPMENT STANDARDS

1. Public street sections for Pebble Creek shall follow the City of Rochester Department of Public Works Street Standard-Plate Numbers #3-01, #3-02, #3-03, #3-04 and #3-05.
2. Alleys will be incorporated where shown on the general development plan. Alley sections shall be 16 feet road on an 18 foot right of way. No curb and gutter will be required.

64O.300. BOUNDARIES

The regulations established herein shall apply to the land described in Section 64O.100 and shall be designated "SD" on the zoning map.

64O.400 EXHIBITS "SD ____"

The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:

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- A. Pebble Creek General Development Plan, Exhibit A.
- B. Pebble Creek Land Use Plan, Exhibit B.
- C. Neighborhood center character intent images, Exhibit C.
- D. Roadway Standards, Exhibit D.

64O.500 GENERAL DEVELOPMENT PLAN AND GUIDE FOR DEVELOPMENT

The Pebble Creek General Development Plan, following Special District approval and a rezoning of the area to Special District, together with the attached Exhibits A, B, C & D are, in combination, recognized as the guide for the development of the Special District.

64O.600 EFFECTS OF REGULATIONS

The General Development Plan and Final Plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

64O.700 EXTENSION OF SPECIAL DISTRICT

The Special District may be extended by amendment to include the adjacent property. An amendment to the Special District may be initiated by the owner of contiguous undeveloped property or by the City of Rochester. The amendment must support the intent of this Special District. If the extension of land is outside of the area described in 64O.100, a petition to extend said district shall be accompanied by a General Development Plan application and additional submittals consistent with this Chapter.

64O.750. DEFINITIONS

1. Zero Lot Line: A lot designed for either one dwelling unit of an attached one-family dwelling unit or a detached one-family dwelling unit with one side yard reduced or eliminated.
2. Patio Home: A single family dwelling, either attached or detached, situated on a zero lot line.

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3. Townhouse: An arrangement of single family dwellings separate or joined by common walls on not more than two sides with the uppermost story being a portion of the same dwelling located directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including but not limited to the land area directly beneath the dwelling.
4. Rowhouse Style Townhouse: An attached dwelling joined to at least three others in a row by common walls on not more than two sides. Rowhouses are generally urban housing types, usually on their own lots.
5. Projecting Garage: A garage or carport extending to the front of a lot closer than the front of the principal building and oriented such that the vehicle access opening faces the street. Where a portion of the dwelling is located above the garage, the garage is considered to be projecting if the principal entrance door of the dwelling is located at a greater setback than the vehicle access door of the garage.

640.800 DEVELOPMENT PROCEDURES

Subdivision 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Rochester Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans or information necessary for development approvals shall also be submitted.

Subd. 2. General Development Plan. A General Development Plan application shall include plans and information consistent with the Rochester Code of Ordinances. It shall also include:

- A. Submission of "Pebble Creek" Special District Ordinance.
- B.
- C. Submission of neighborhood center character intent images.
- D. Submission of character intent images for residential dwelling types. The developer shall maintain a list of at least five architectural styles appropriate to residential subdistricts. The list of styles may change over the course of development by adding new styles to the list and deleting styles from the list.
- E. Submission of roadway standards.

Subd. 3. Pre-Plat Application. Pre-Plat Application within the Special District shall include plans and information consistent with the requirements of the Rochester Code of Ordinances

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Subd. 4. Phasing. This Special District is for the first phase of Pebble Creek only (57 acres) but may be extended as subsequent phases are allowed or annexed for those phases lying within the approved General Development Plan. The rules of the Rochester Zoning Ordinance and Land Development Manual shall apply to all future phases.

Subd. 5. Final Plat Application. Final plat applications within the Special District shall include plans and information consistent with the requirements of the existing Rochester Code of Ordinances and shall be submitted at least three weeks prior to the City Council meeting at which they will be considered. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.

640.900 RESCINDING APPROVAL

Because this Special District is integrally related to the accompanying Pebble Creek General Development Plan, a Development Agreement is proposed setting a time frame in which these regulations remain in effect. Except as limited by Development Agreements, the Rochester Common Council may without liability rescind the provisions of this Special District and return the property to its underlying zoning district at the time of adoption or to another zoning district. Rescinding this overlay zoning district shall follow the procedures set forth in Section 60.330 of the Rochester Land Development Manual.

Section 2. Section 60.327 of the Rochester Code of Ordinance is amended and reenacted to read as follows:

60.237 SD SPECIAL DISTRICTS: Existing Special Districts approved by Ordinance numbers 3443, 3404, 2726, 2516, 2247, 3385, 3462 and 3468 are recognized as separate zoning districts and the plans and procedures established for each Special District will continue in force. When a Special District Ordinance does not specify the procedure or criteria to amend an approved site development plan, the proposed amendment will be reviewed under Section 640.148. When a Special District Ordinance requires a two-phase review, the development will be reviewed under Section 61.146 and either Section 62.708 (1) (for preliminary plans) or Section 62.708 (2) (for final plans).

Section 3. This Ordinance shall become effective on and after the date of its Publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2003.

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PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

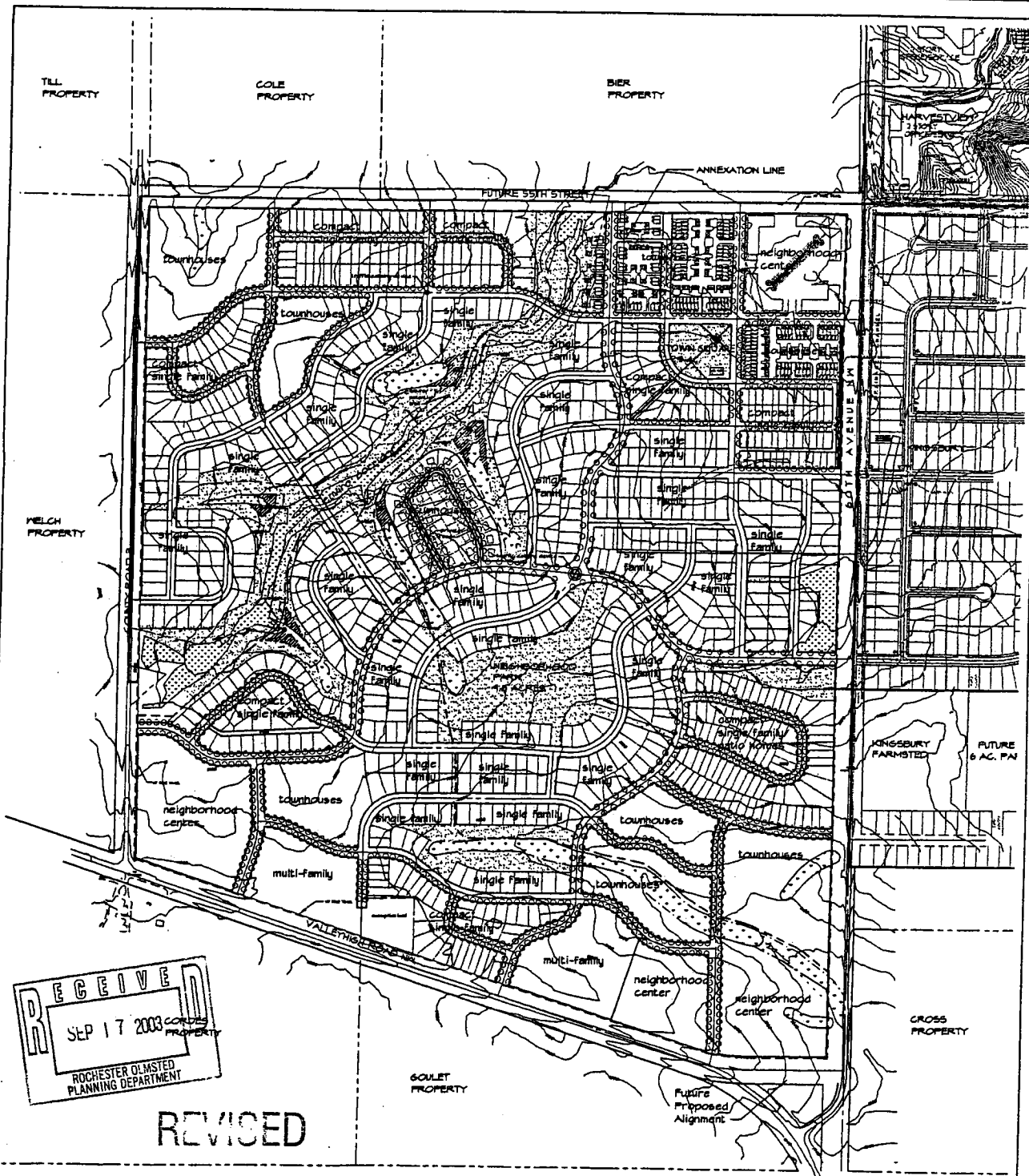
APPROVED THIS _____ DAY OF _____, 2003.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Ord2000/641.Pebble Creek

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NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/1/02
2	REVISED	10/1/02
3	REVISED	10/1/02
4	REVISED	10/1/02
5	REVISED	10/1/02
6	REVISED	10/1/02
7	REVISED	10/1/02
8	REVISED	10/1/02
9	REVISED	10/1/02
10	REVISED	10/1/02

NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/1/02
2	REVISED	10/1/02
3	REVISED	10/1/02
4	REVISED	10/1/02
5	REVISED	10/1/02
6	REVISED	10/1/02
7	REVISED	10/1/02
8	REVISED	10/1/02
9	REVISED	10/1/02
10	REVISED	10/1/02

NO.	DESCRIPTION	DATE
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2	REVISED	10/1/02
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9	REVISED	10/1/02
10	REVISED	10/1/02

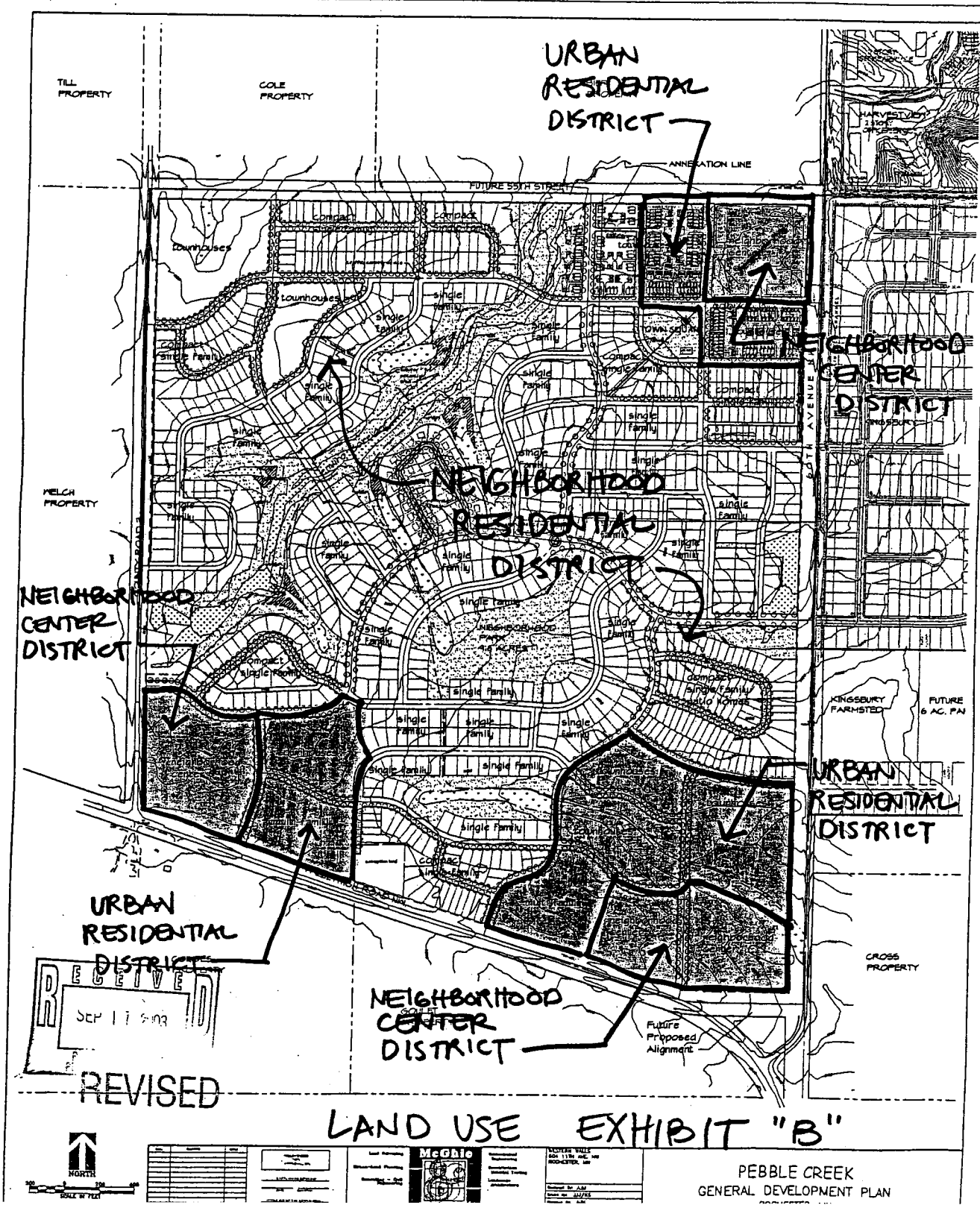


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9	REVISED	10/1/02
10	REVISED	10/1/02

NO.	DESCRIPTION	DATE
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10	REVISED	10/1/02

PEBBLE CREEK
GENERAL DEVELOPMENT PLAN



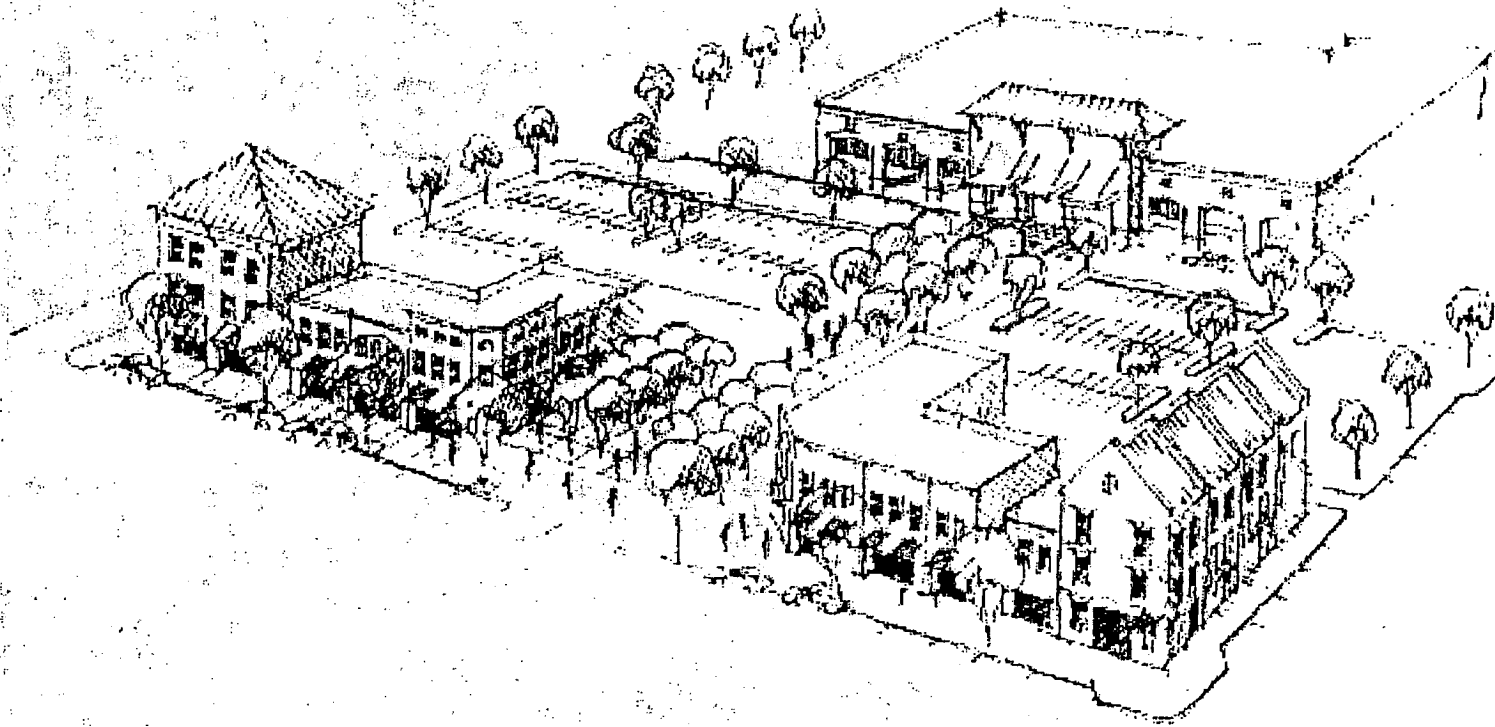
LAND USE EXHIBIT "B"

PEBBLE CREEK
GENERAL DEVELOPMENT PLAN

146

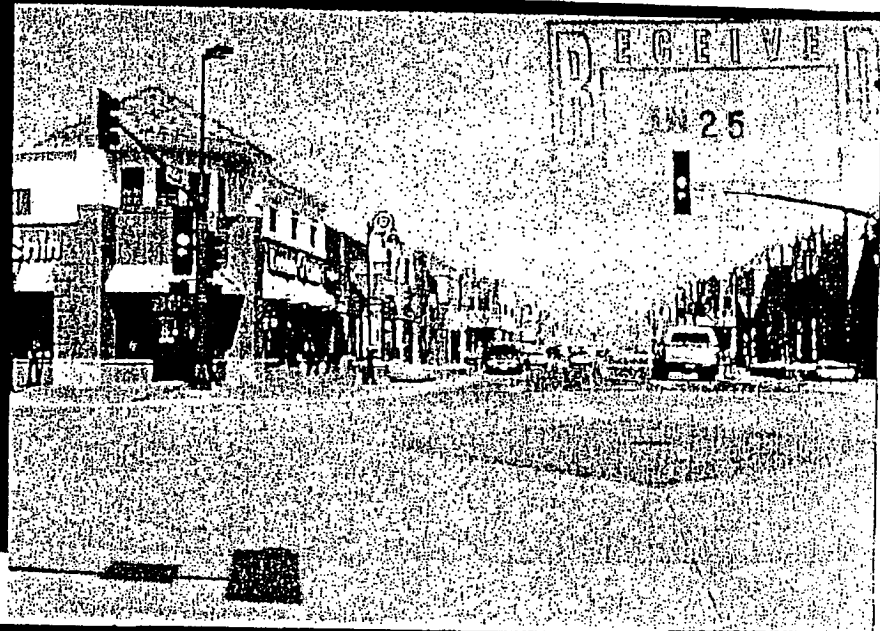
Neighborhood Center

NEIGHBORHOOD CENTER

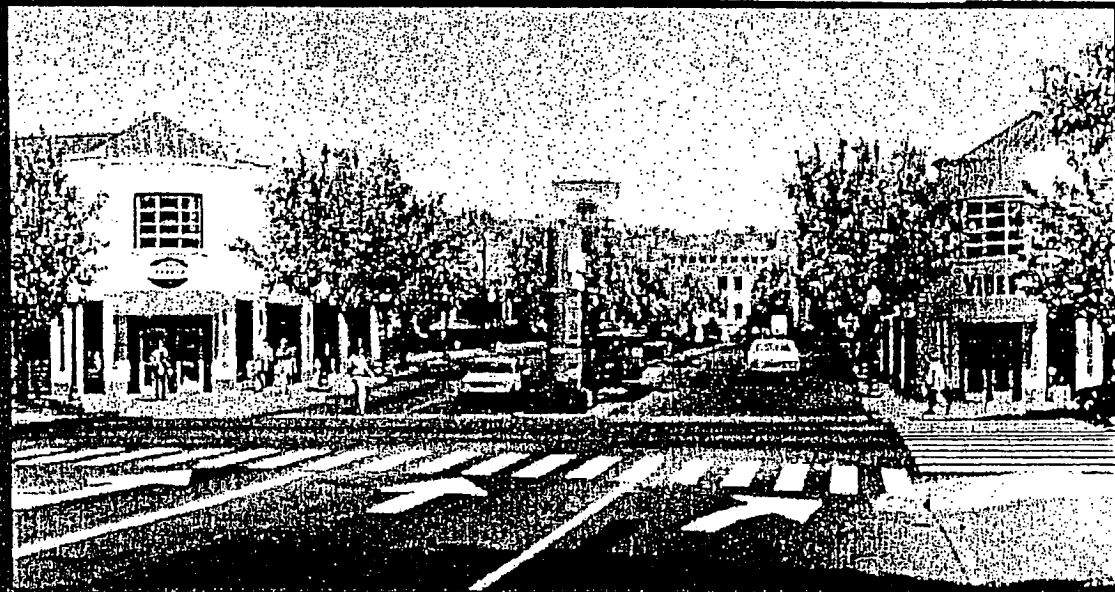


CHARACTER INTENT IMAGES

EXHIBIT "C"



NEW TOWN CENTER LOOK

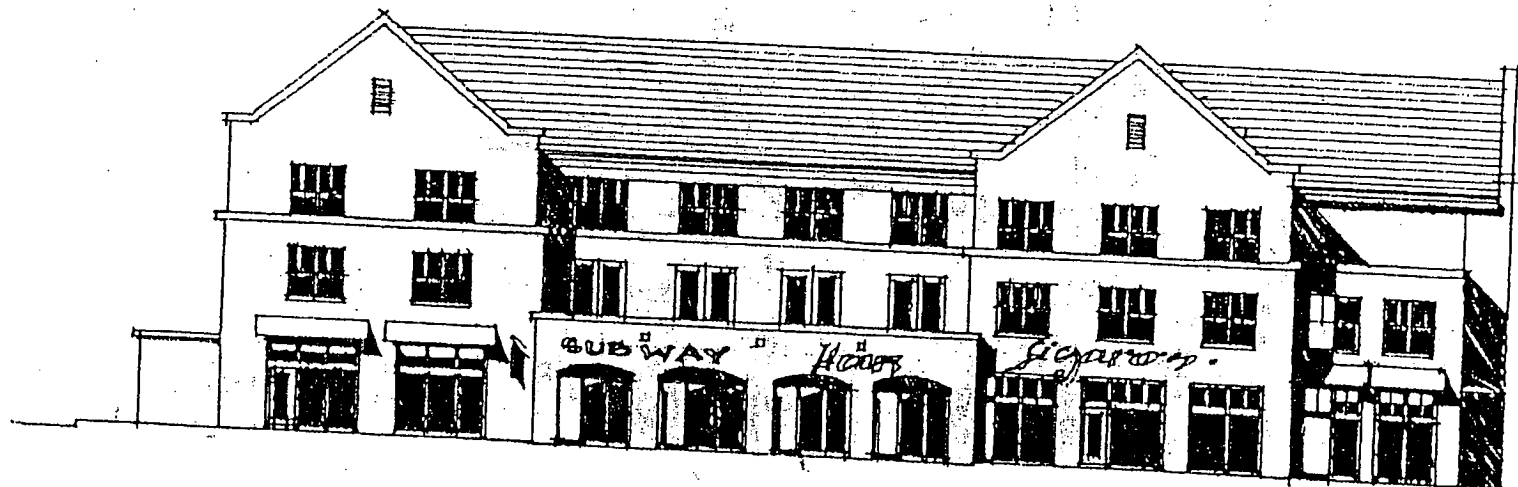


Mixed-use architecture, zebra-striped crosswalks, street trees, street lamps

CHARACTER INTENT IMAGES

EXHIBIT "C"

147



Mixed Use

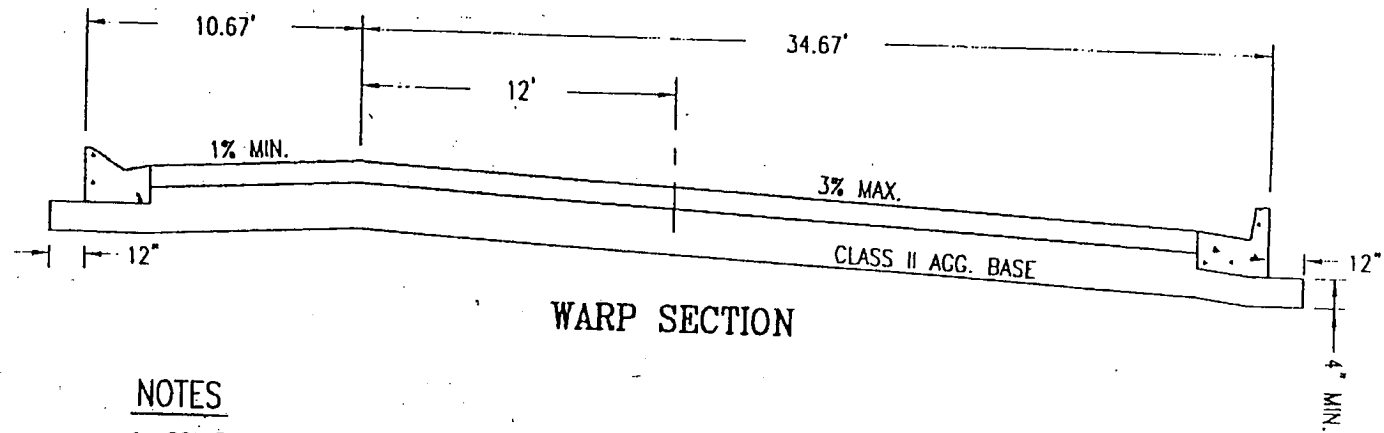
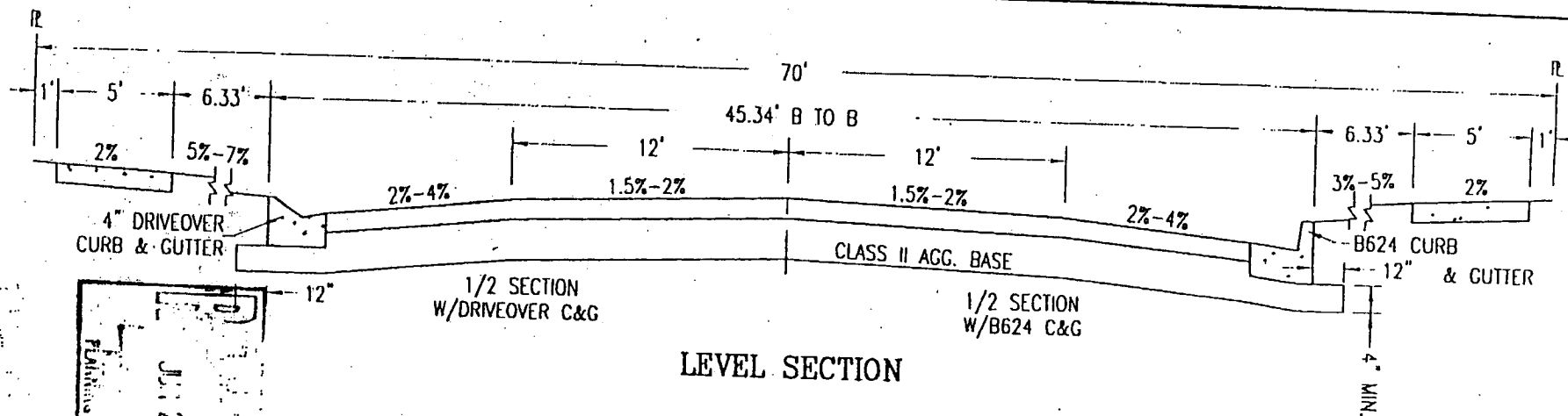
CHARACTER INTENT IMAGES

EXHIBIT "C"

"E" = 40' ROAD - 66' R.O.W. plate # 3-04

EXHIBIT "D"

150



NOTES

1. COLLECTOR & ARTERIAL STREETS IN RESIDENTIAL AREAS AND ALL COMMERCIAL AND INDUSTRIAL AREAS SHALL BE DESIGNED AS 9 TON STREETS.
2. 7 TON STRUCTURAL SECTIONS: STRUCTURAL SECTION G.E. 13" MIN. BITUMINOUS 4" MIN.
3. 9 TON STRUCTURAL SECTIONS: STRUCTURAL SECTION G.E. 18" MIN. BITUMINOUS 4" MIN.
4. DRIVEOVER CURB & GUTTER WILL BE PERMITTED ONLY FOR ONE AND TWO FAMILY DWELLINGS WHERE DRIVEWAY LOCATIONS HAVE NOT BEEN ESTABLISHED AND STREET GRADES ARE LESS THAN 8%.
5. USE B624 CURB & GUTTER UNLESS OTHERWISE APPROVED IN WRITING BY THE DIRECTOR OF PUBLIC WORKS.

A

EXHIBIT "D"

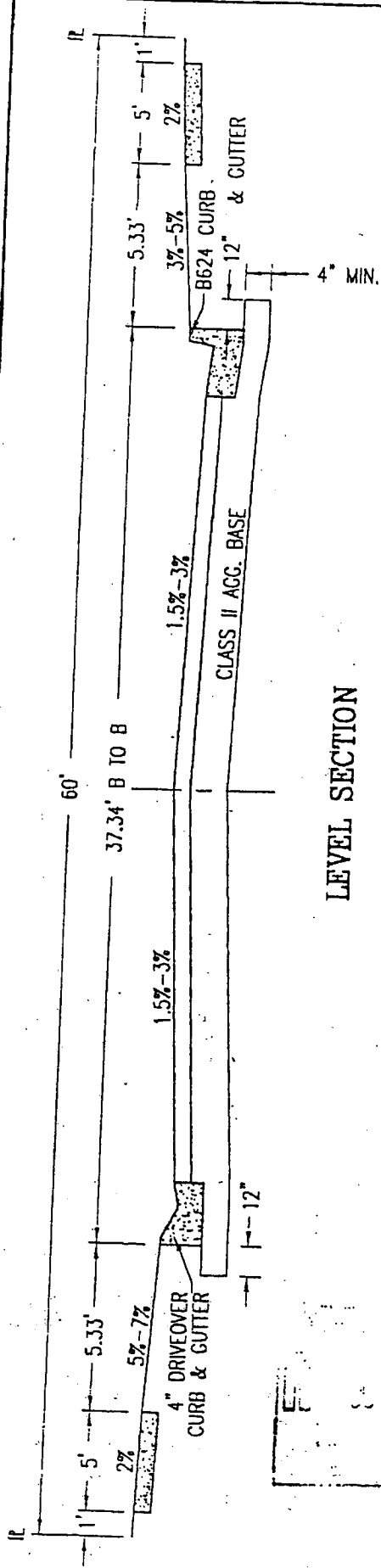
DEPARTMENT OF PUBLIC WORKS
CITY OF ROCHESTER, MINNESOTA
TYPICAL SECTION
44' ROADWAY (70' R.O.W.)

SHT 1 OF 1 SHTS	DATE REVISED 10/1/97	PLATE NO. 3-05	REV. A
ASST. CITY ENGINEER	DIRECTOR		

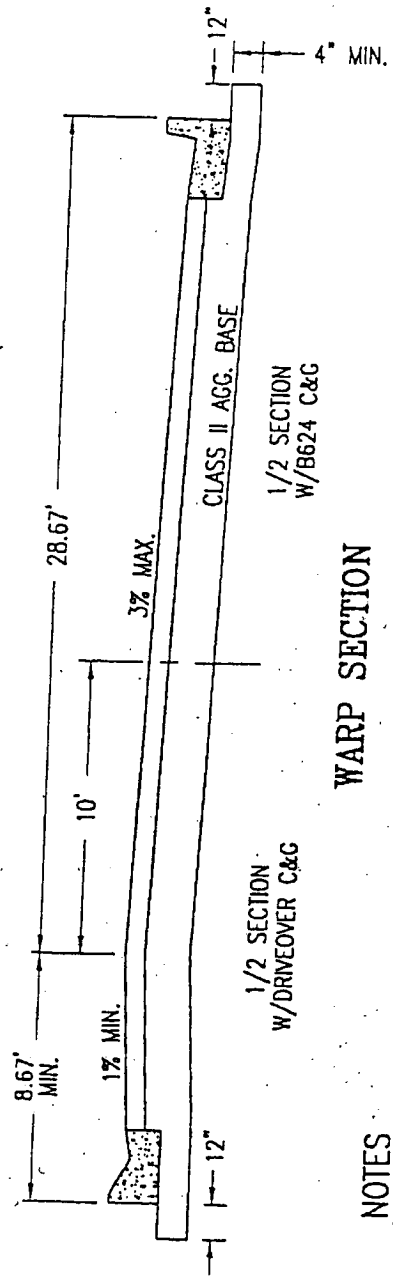
JUN 26 03

151

B



LEVEL SECTION



WARP SECTION

NOTES

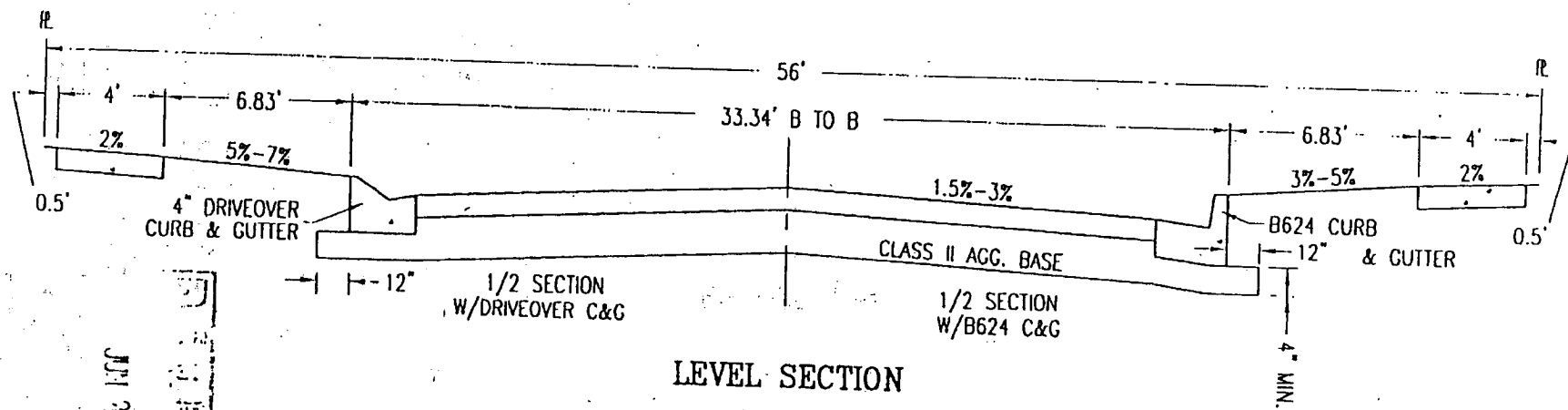
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EXHIBIT "D"

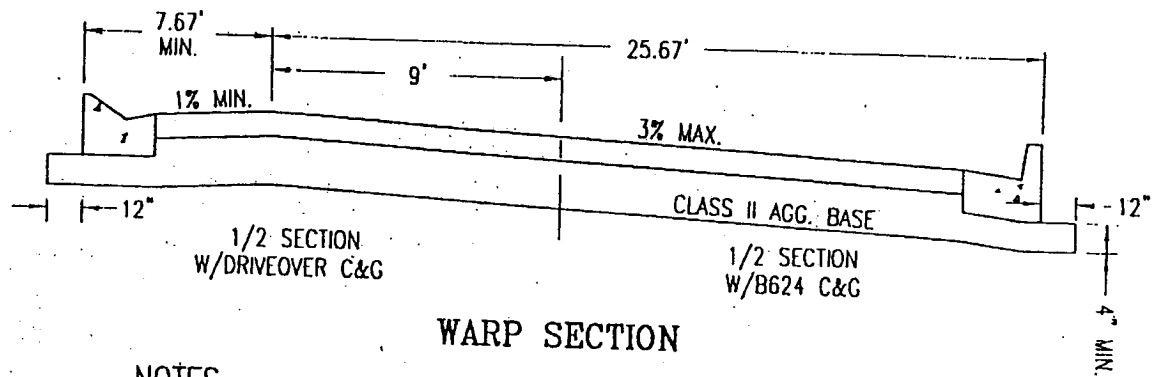
DEPARTMENT OF PUBLIC WORKS CITY OF ROCHESTER, MINNESOTA			
TYPICAL SECTION 36' ROADWAY (60' R.O.W.)			
<i>Donald Nelson</i> ASST. CITY ENGINEER		<i>Richard W. Friend</i> DIRECTOR	
SHT 1 OF 1 SHTS	DATE REVISED 4/16/01	PLATE NO. 3-03	REV. B

31267

152



LEVEL SECTION



WARP SECTION

NOTES

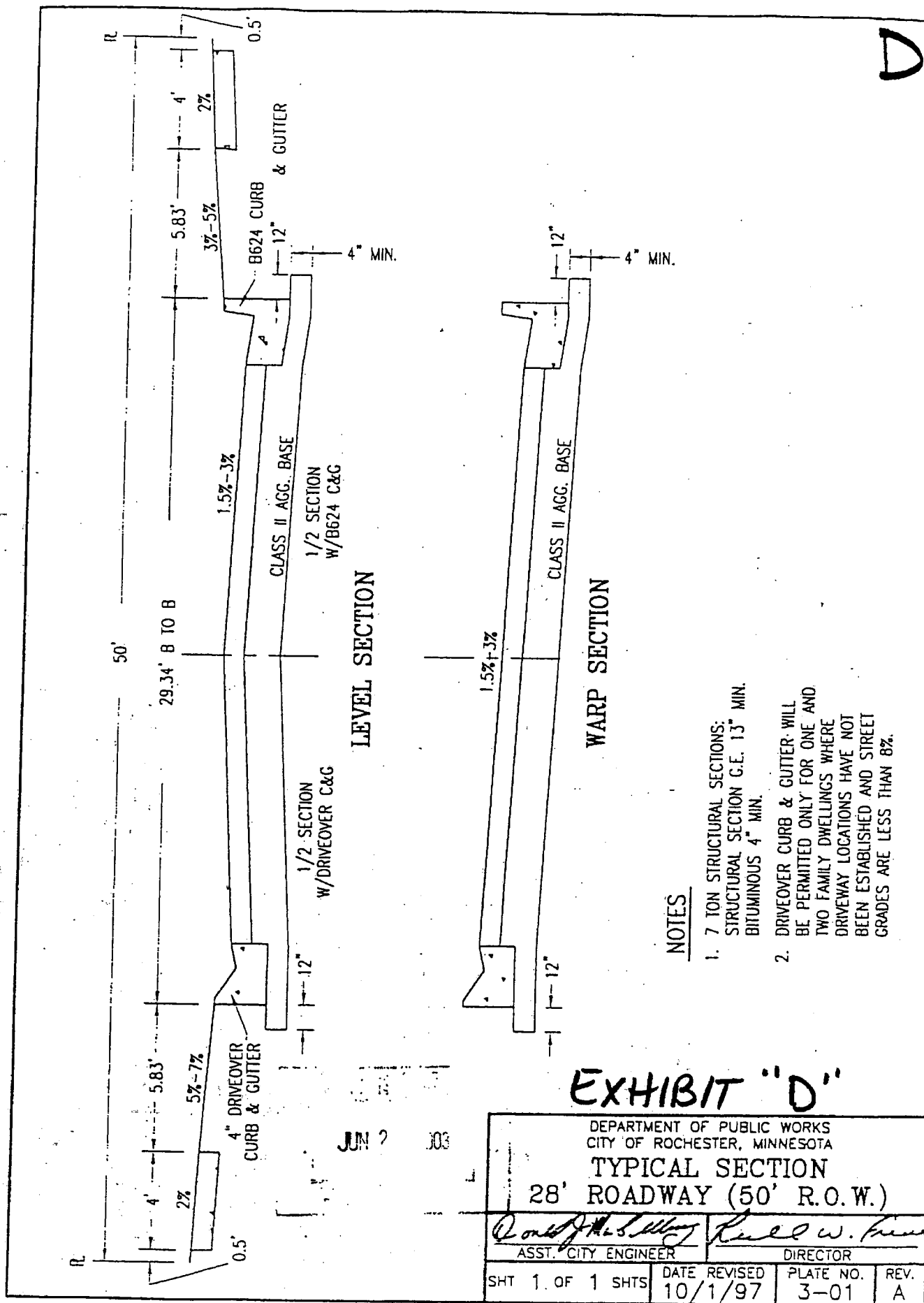
1. COLLECTOR & ARTERIAL STREETS IN RESIDENTIAL AREAS AND ALL COMMERCIAL AND INDUSTRIAL AREAS SHALL BE DESIGNED AS 9 TON STREETS.
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EXHIBIT "D"

DEPARTMENT OF PUBLIC WORKS CITY OF ROCHESTER, MINNESOTA			
TYPICAL SECTION			
32' ROADWAY (56' R.O.W.)			
ASST. CITY ENGINEER		DIRECTOR	
SHT 1 OF 1 SHTS		DATE REVISED	
10/1/97		3-02	
REV.		A	

153

D



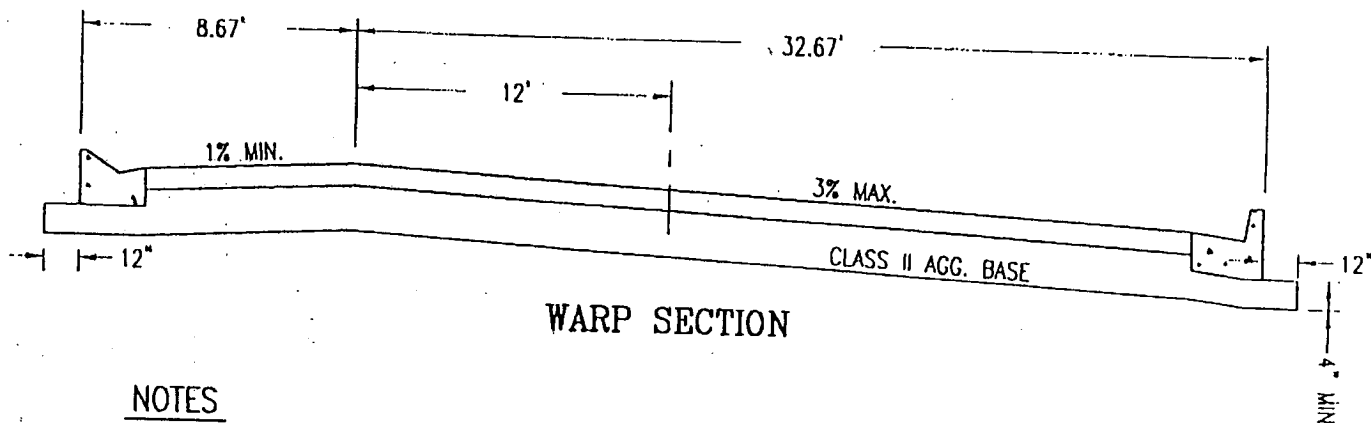
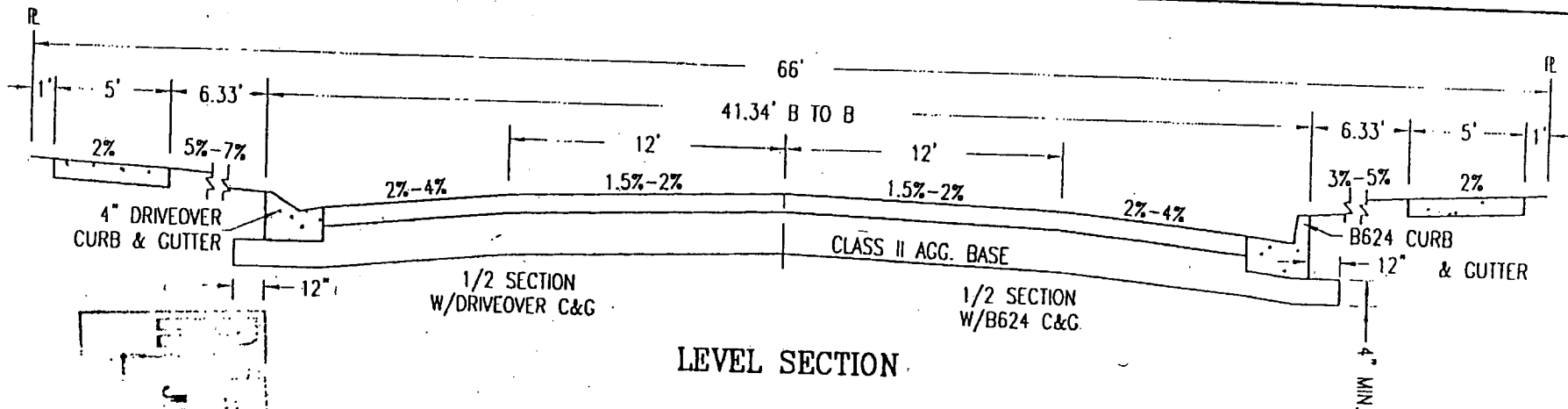
NOTES

- 1. 7 TON STRUCTURAL SECTIONS: STRUCTURAL SECTION C.E. 13" MIN. BITUMINOUS 4" MIN.
- 2. DRIVEOVER CURB & GUTTER WILL BE PERMITTED ONLY FOR ONE AND TWO FAMILY DWELLINGS WHERE DRIVEWAY LOCATIONS HAVE NOT BEEN ESTABLISHED AND STREET GRADES ARE LESS THAN 8%.

EXHIBIT "D"

DEPARTMENT OF PUBLIC WORKS CITY OF ROCHESTER, MINNESOTA			
TYPICAL SECTION			
28' ROADWAY (50' R.O.W.)			
<i>Donald H. S. Kelley</i> ASST. CITY ENGINEER		<i>Richard W. Friend</i> DIRECTOR	
SHT 1. OF 1 SHTS	DATE REVISED 10/1/97	PLATE NO. 3-01	REV. A

154



NOTES

1. COLLECTOR & ARTERIAL STREETS IN RESIDENTIAL AREAS AND ALL COMMERCIAL AND INDUSTRIAL AREAS SHALL BE DESIGNED AS 9 TON STREETS.
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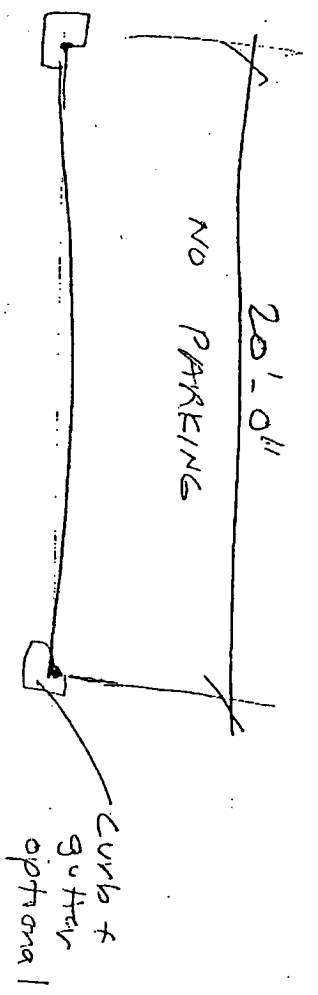
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DEPARTMENT OF PUBLIC WORKS
CITY OF ROCHESTER, MINNESOTA

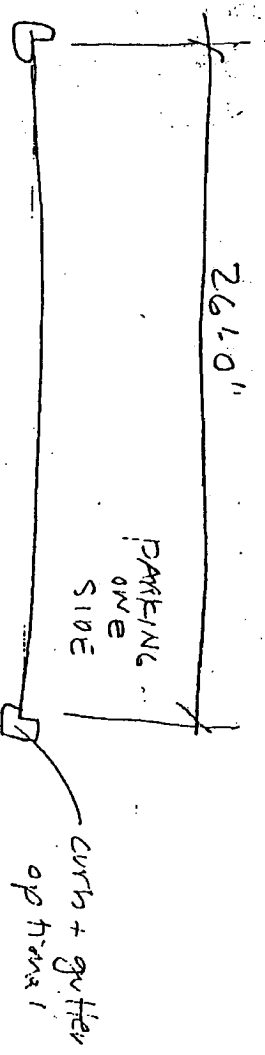
40' ROADWAY (66' R.O.W.)

SHT 1 OF 1 SHTS	DATE REVISED 10/1/97	PLATE NO. 3-04	REV. A
ASST. CITY ENGINEER	DIRECTOR		

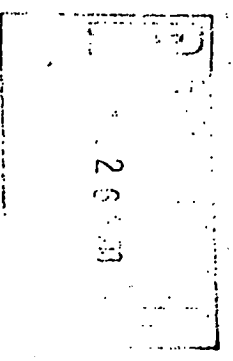
PRIVATE STREETS.



PRIVATE STREET
OPTION "A"



PRIVATE STREET
OPTION "B"



EVIDENCE

157

**PEBBLE CREEK
LAND - USE BREAKDOWN**

USE	APPROXIMATE NUMBER OF ACRES	PERCENT OF ENTIRE SITE	ESTIMATED NUMBER OF RESIDENTIAL UNITS
Single Family Homes	99.7	25.5%	450
Patio Homes/Compact Single Family	56.3	14.4%	310
Town Homes	51.1	13.1%	430
Multi-Family	11.5	2.9%	380
Neighborhood Center	28.6	7.3%	575
Parks & Public Open Space	42.9	11%	0
Streets & Right of Way	94.5	24.2%	0
Civic/Institutional	6.4	1.6%	0
TOTALS	391 ACRES	100%	2145

Overall density = 5.5 Units/Acre

REQUEST FOR COUNCIL ACTION

MEETING

DATE: October 6, 2003

157

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: <u>Pebble Creek</u> <u>General Development Plan.</u>		PREPARED BY: Phil Wheeler, AICP, Planning Director

October 2, 2003 **NOTE:** See GDP Information included in previous SD hearing.

Background:

The Rochester Planning and Zoning Commission conducted a hearing on the proposed Pebble Creek Special District and General Development Plan at its regularly scheduled meeting of September 24, 2003, and voted 7-0 to recommend approval of the proposed Special District and General Development Plan with the following conditions:

1. Submittal of Character Intent Images for residential dwelling types. The purpose of this submittal is to provide a basis for reviewing architectural mix requirements in the NRD and URD at the time of permit approval. This can easily be resolved prior to Council action on the Special District and GDP, possibly by requiring an updated list of character intent images to be submitted with preliminary plats.
2. Preparation of a Development Agreement addressing underlying standards and the effective duration of special district approval. This is addressed in the Special District text by reference and is a joint responsibility of the City and the Applicant.
3. The applicant will need to agree to stormwater management charges applying to the property based on land use. These charges will provide credit for maintenance of the storage capacity of the wetlands and waterway.
4. Provision for construction and maintenance of the "Future Potential Trail" and midblock signage. The Development Agreement should provide for dedication of the trail area and construction of the trail and signage.
5. The applicant will need to agree to maintain the viability of any wetlands intended to be dedicated to the City and to enter into an Ownership & Maintenance Agreement, drafted by the City, in the event a decision is made through the development process that the Outlot(s) containing the wetlands will remain in private ownership.
6. Dedication of controlled access will be required through the platting process for the entire frontages of the perimeter roadways, with the exception of any approved public streets access locations. No direct private driveway access will be permitted to any of the perimeter roadways. Additional Controlled Access will be required within 200 feet of 'A' & 'E' street intersections with any of the perimeter roadways, within 150 feet of 'B' street intersections of any perimeter roadway, and within 35 feet from the intersections of any other public roadway with a perimeter roadway.
7. The southerly access to 60th Ave NW should be shifted to line up directly across from the access in the Kingsbury Hills development as was shown on the previous Special District / GDP Plan for Pebble Creek.
8. Any realignment on this Property of Valleyhigh Rd NW and the intersection with 60th Ave NW shall be consistent with the "60th Ave NW Corridor Management Plan", and may impact the proposed southerly access to 60th Ave NW. In the event the approved Corridor Plan shows the realigned intersection of Valleyhigh Rd NW & 60th Ave NW to be south of this Property, the southerly access to 60th Ave NW shown on the revised Special District GDP plan shall be eliminated.

Recommendation:

The staff recommends approval of the Special District and General Development Plan included in the attached staff report.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare an ordinance that can be adopted. The Council's decision must be supported by findings based on the criteria listed in the Rochester Zoning Ordinance and Land Development Manual (see attached staff report).

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

15/

159- REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

PLANNING

ITEM NO.

E-8

ITEM DESCRIPTION: Zoning District Amendment #03-15 by Melinda T. Dively-White & John White. The applicant is proposing to rezone part of Lot 15, Whynaucht's Subdivision from the M-1 (Mixed Commercial – Industrial) district to the R-1 (Mixed Single Family) zoning district. The property is located along the south side of Whynaucht Court SE and has a property address of 2904 Whynaucht Court SE.

PREPARED BY:Brent Svenby,
Planner

September 26, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on September 10, 2003 to consider this zone change.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings.

Motion by Ms. Petersson, seconded by Mr. Haeussinger to recommend approval of Zoning District Amendment #03-15, with staff-recommended findings. Motion carried 8-0.

Planning Staff Recommendation:

See attached staff report dated September 3, 2003.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property

Attachments:

1. Staff Report dated September 3, 2003
2. Minutes of the September 10, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney: Legal Description
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

160

US 14 East

Zone Change #03-15

X

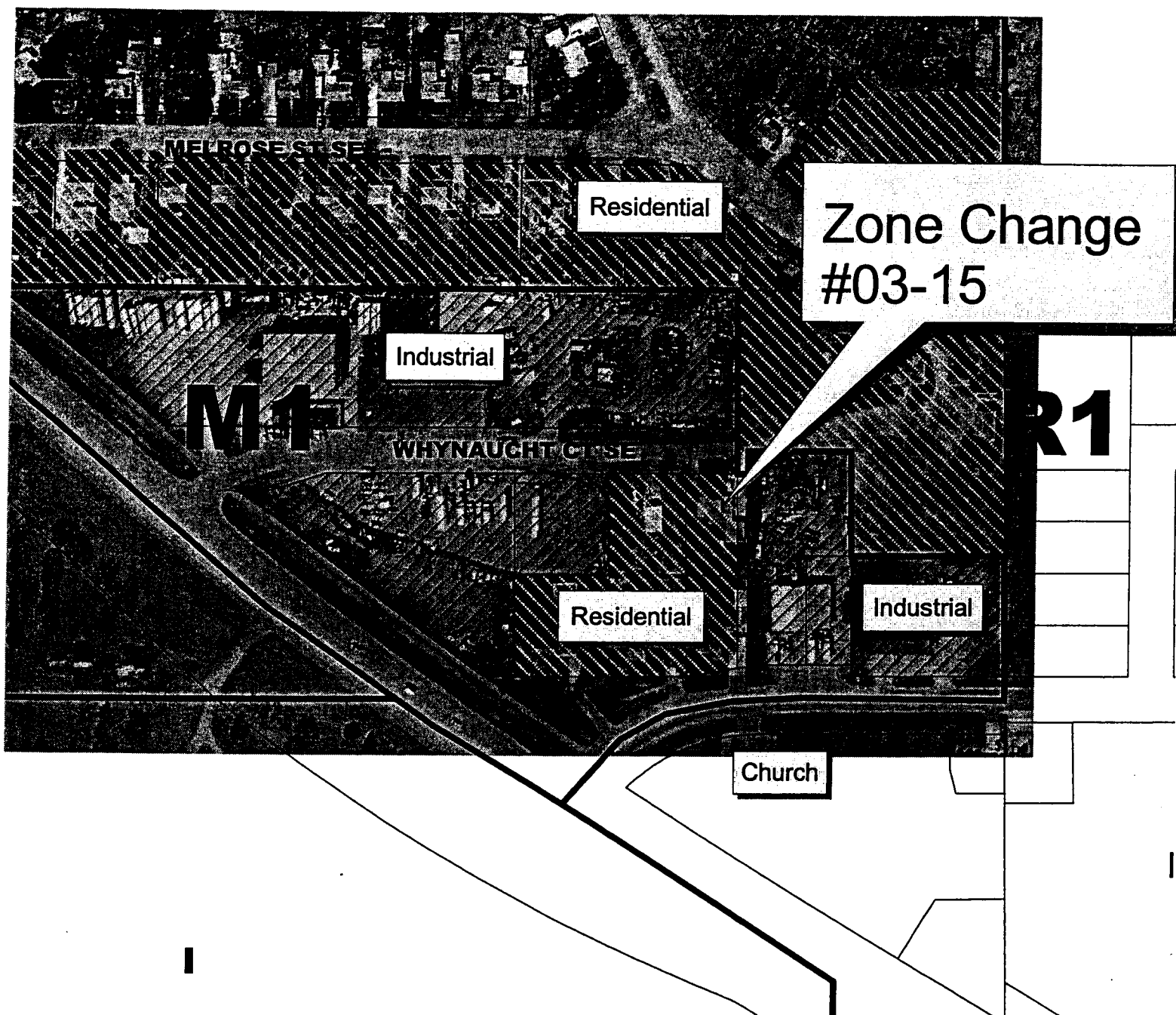
20th St SE

Marion Rd

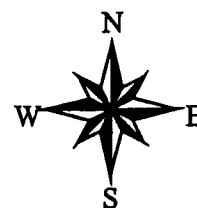
Location Map

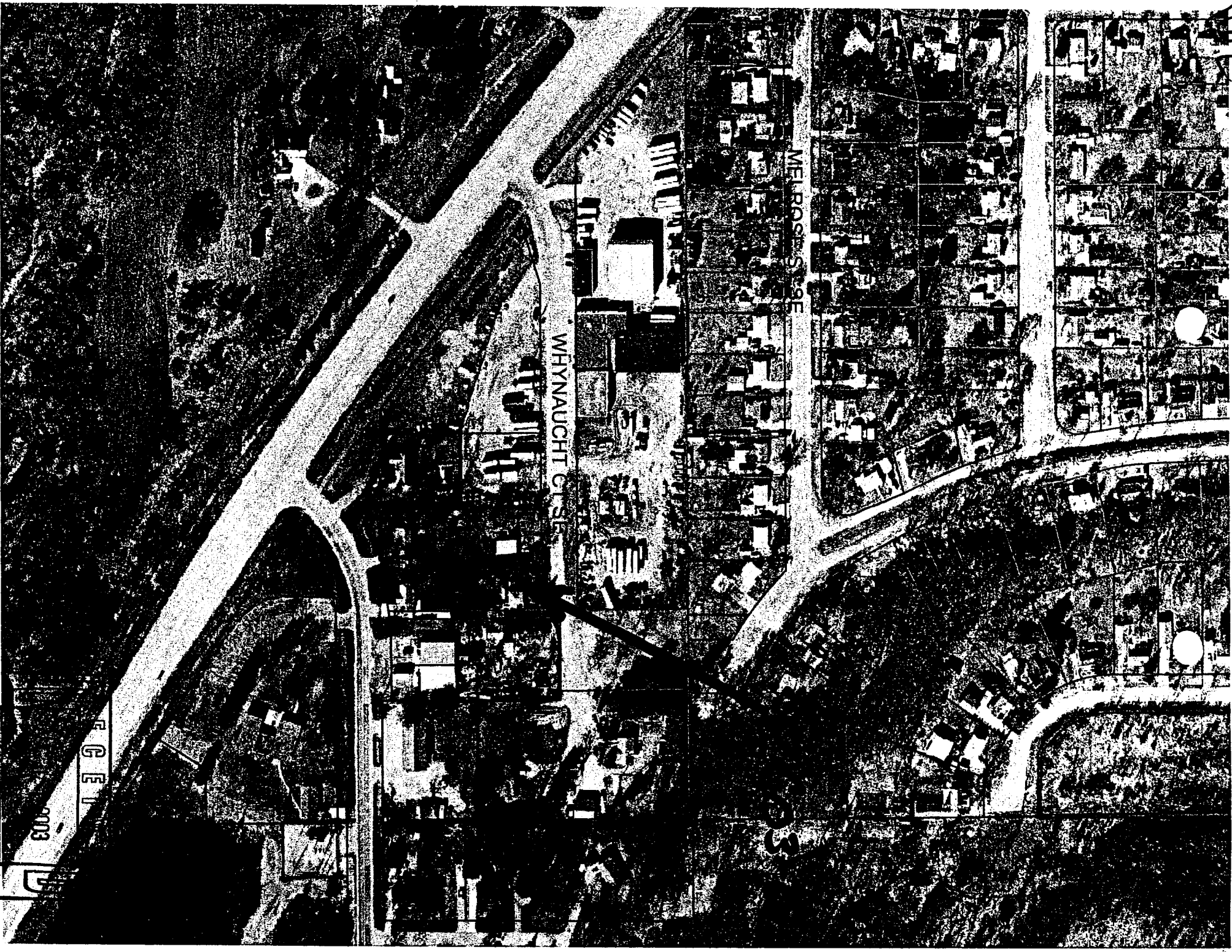


161



Current Land Use Assessors Data

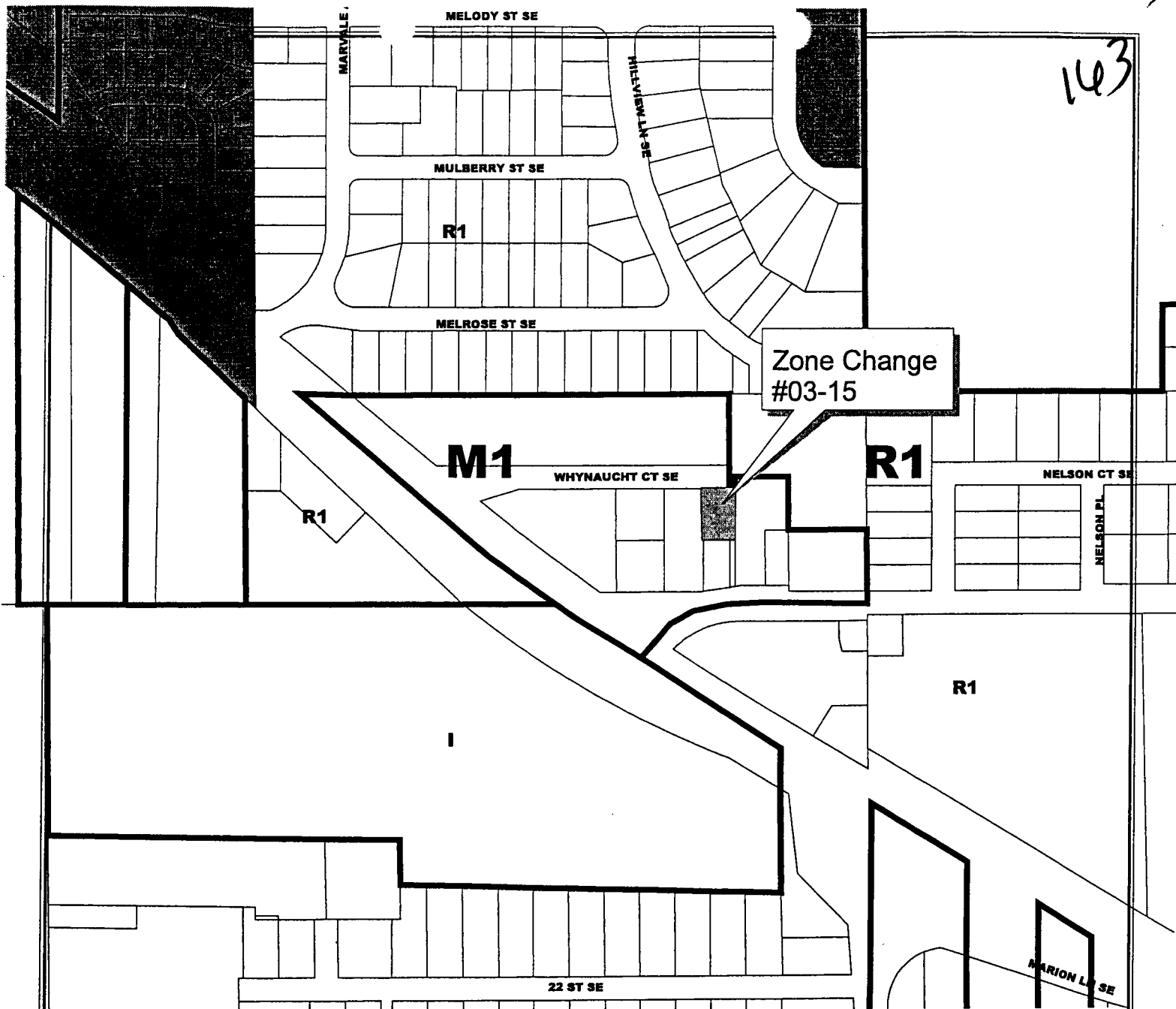




MELROSE ST

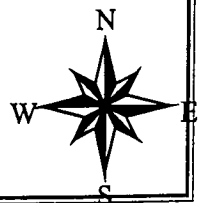
WYNAUCHT CIRCLE

FEGELMAN ST



Zone Change #03-15

Current Zoning Districts

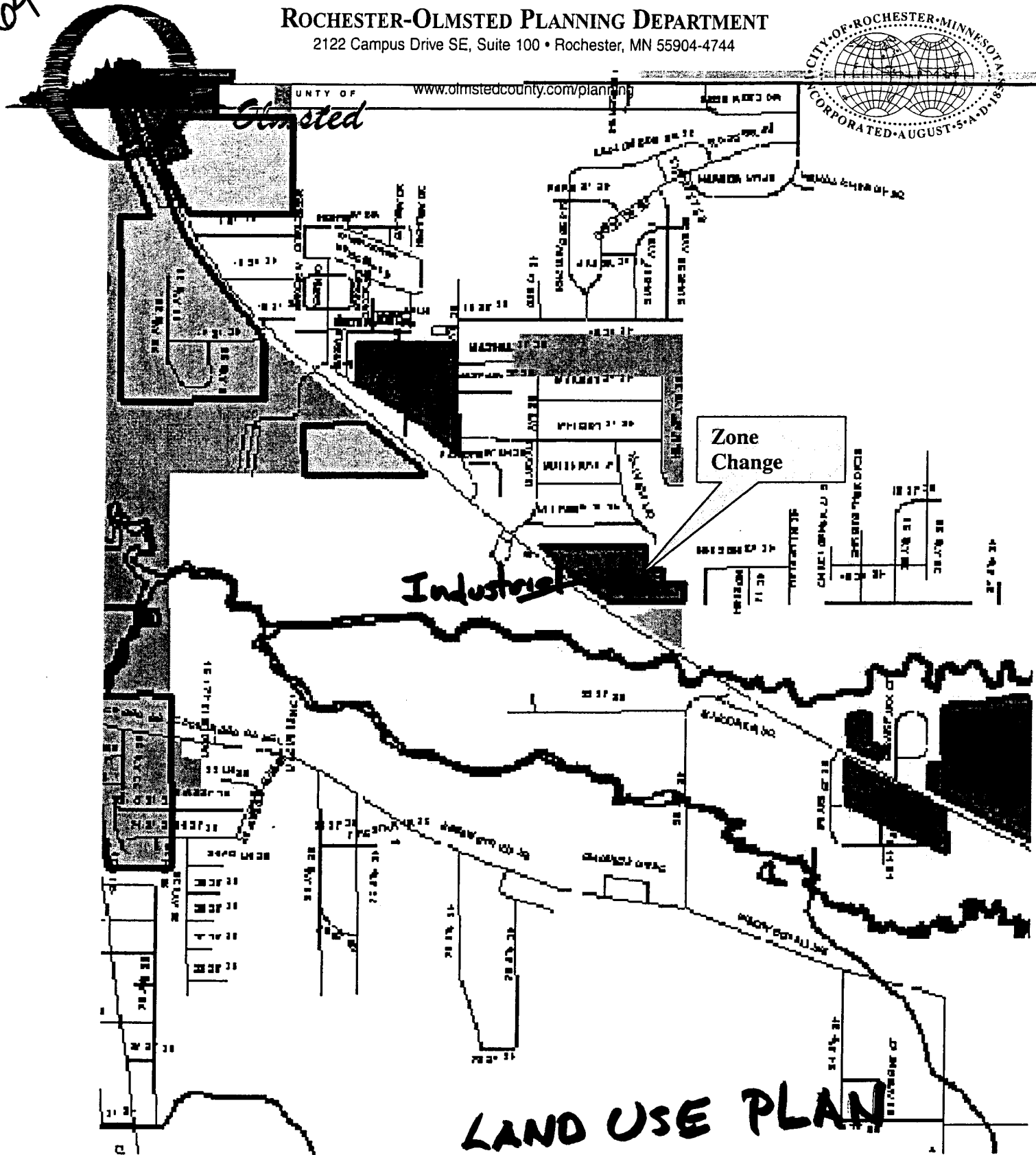
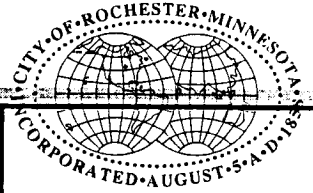


164

ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olinmstedcounty.com/planning



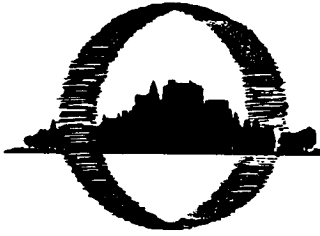
BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Ron Livingston, Planning Supervisor

DATE: September 3, 2003,

RE: Zoning District Amendment #03-15 by Melinda T. Dively-White and John White to change the zoning designation from M-1 (Mixed Commercial-Industrial) to the R-1 (Mixed Single Family) district. The property is located along the south side of Whynaucht Court SE, at 2904 Whynaucht Court SE.

Planning Department Review:

Property Owner/Petitioner:

Melinda T. Dively-White and John White
2904 Whynaucht Court SE
Rochester, MN 55901

Location of Property:

The property is located along the south side of Whynaucht Court SE

Requested Action:

The applicant is requesting to rezone their property from the M-1 (Mixed Commercial-Industrial) district to the R-1 (Mixed Single Family) district

Existing Land Use:

The property is currently used as an owner occupied two family dwelling.

Proposed Land Use:

There is no change of use proposed for the property. This request is due to difficulties encountered with the applicants lender when the applicant attempted to refinance the property. The lender was concerned that the use of the property was not conforming with the provisions of the M-1 district, dwellings are not a permitted use within the M-1 district.

Adjacent Land Use and Zoning:

East: The property to the east is zoned M-1 (Mixed Commercial-Industrial) and is designated for "Industrial" uses on the Land Use Plan. The property is a storage yard for Watson Rolloff.

South: The property to the south is zoned M-1 and designated for "Industrial" uses on the Land Use Plan



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Map. The property is also uses as the site of a dwelling.

North: The property to the north zoned M-1. It is designated as "Industrial" on the Rochester Urban Service Area Land Use Plan and used as a storage yard for Dallas Truck repair. To the northeast is a dwelling located within an R-1 District, due to the size of the property a resubdivision of the lot for additional dwellings is taking place.

West: The property to the west of the site is zoned M-1 and contains a garage type building.

Transportation Access:

This property has frontage along Whynaucht Court SE which is a local street.

Wetlands:

Not applicable. There will be no physical changes on the property.

Neighborhood Meeting:

None required

Referral Comments:

No comments

Report Attachments:

1. Location Map
2. Area Zoning Map
- 3.

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) *The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:*
 - a) *The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan; while the property is presently zoned in accordance with the Land Use Map, the Plan does address existing residential properties within industrial areas; In those areas with concentrations of residential uses indicated on the Plan for future industrial use, the Plan designation should not be interpreted as allowing scattered industrial uses throughout the area, but only as promoting an orderly, non-disruptive expansion of industrial uses into the area. Thus, changes to industrial zoning classifications involving relatively large land areas adjacent to existing industrial uses and buffered from residential areas would be encouraged. This statement seems to indicate that existing residential uses within areas planned for industrial expansion be allowed to continue and should be somewhat protected from unplanned, haphazard industrial expansions. This property, along with several properties to the south are currently used for residential purposes, all of these properties are within the industrial land use plan designation.*

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- b) *The area was originally zoned erroneously due to a technical or administrative error; The applicants property was zoned R-1 prior to the comprehensive rezoning action of the Marion Township Orderly Annexation Area. That rezoning did not allow for the consideration in detail of individual properties within the area.*
 - c) *While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or Chapter 3 of the Land Use Plan addresses the continuation of residential uses within industrially designated areas.*
 - d) *The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area. The residential uses in the area have continued for some time and industrial expansion has not been taking place within the area.*
- 2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*
- a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and Uses permitted with the proposed amendment would remain as they are presently.*
 - b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state). The applicants property is contiguous to an R-1 zoning district at the northeast corner of the lot.*

Staff Recommendation:

The Planning Commission must make a motion to recommend approval or denial of this request. The Planning Commission must also make findings to support this recommendation. This recommendation will be forwarded to the City Council and heard at a later public hearing.

Upon consideration of the fact that the property was zoned R-1 prior to the execution of the orderly annexation agreement and subsequent rezoning action, and based upon provisions of the land use plan that tend to encourage protection of existing residential areas within industrially designated areas, the staff recommends approval of this request.

We must caution the applicant however that by achieving an R-1 zoning district designation the property as used for a duplex will remain nonconforming with provisions of the zoning ordinance. Only the use of the property for a single family residence would be conforming with the R-1 district.

The property is located along the west side of 40th Avenue NW, east of West Circle Drive and north of Valleyhigh Road NW.

This item was continued per the motion in "Administrative Business".

PUBLIC HEARINGS:

* Zoning District Amendment #03-15 by Melinda T. Dively-White & John White. The applicant is proposing to rezone part of Lot 15, Whynaucht's Subdivision from the M-1 (Mixed Commercial – Industrial) district to the R-1 (Mixed Single Family) zoning district. The property is located along the south side of Whynaucht Court SE and has a property address of 2904 Whynaucht Court SE.

Mr. Brent Svenby presented the staff report, dated September 3, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked why the applicant didn't request the R-1x zoning district.

Mr. Svenby stated that it was though it was a single-family dwelling when the application was submitted. However, after visiting the site, it was found that it was a duplex.

Mr. Haeussinger stated that he thought the request would include spot zoning.

Mr. Svenby explained that there was some property zoned R-1 that touches the northeast part of this lot.

Ms. Melinda T. Dively-White, of 2904 Whynaucht Court SE, addressed the Commission. When she purchased the property it was zoned residential. The day after closing, it became commercial. This past year they tried refinancing and found that it was commercial. Their biggest concern is financially. If they have to move at some time, it will be hard to sell the residence considering it is zoned commercial. Only one non-traditional loan officer out of five would refinance them. If their home burns down, there are concerns of rebuilding the home. If they would have known that it would turn commercial after buying it, they would not have purchased it. They plan to make it a single-family home, but financially, they cannot do this at this time.

Ms. Wiesner asked, if they wanted to zone it R-1x, could they have a single-family home.

Mr. Svenby responded that the application notice indicated R-1. Therefore, they would have to republish. They could have a single-family home in the R-1x zoning district.

Ms. Dively-White stated that they plan to make it a single-family home within two years.

Mr. Burke stated that, if they go back to single family, they could not sell it later as a duplex.

Mr. Andy Wilhorn, of 2905 Whynaucht Court SE, addressed the Commission. He stated that his property borders theirs on the northeast side. There is residential property next to the site. He supports rezoning it residential. He explained where all the residential homes were located in the area.

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Mr. Jim Baier, of 2620 Brookwood Court SE, Eyota MN 55934, addressed the Commission. He stated that he owns the property to the southeast. He indicated that he is also on the Marion Township Board. He expressed concern with the request creating spot zoning. He also expressed concern of possible problems when trying to expand his business.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-15 by Melinda T. Dively-White & John White with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Type III, Phase II Conditional Use Permit request #03-46 and Variances #03-19 by Franklin Kottschade. The applicant is requesting approval for an excavation permit of a substantial land alteration and quarry operation on property located south of 40th Street SW and west of TH 63. The applicant is requesting to fill and construct within the shoreland district for a roadway as well as for the placement of fill in the flood prone district. In addition to the conditional use, the applicant is also requesting a number of variances to the performance standards for quarries. The requested variances range from setback requirements to landscaping and fencing. The property is located south of 40th Street SW and west of TH 63.

Mr. Brent Svenby presented the staff report, dated September 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Staver asked if the fence would be around the entire site or around where the blasting would occur.

Mr. Svenby responded around the entire site.

Ms. Wiesner asked if the trees would be up while the process is occurring.

Mr. Svenby responded that the plantings were required as part of the reclamation standards, which are required after the site is mined.

Mr. Burke asked where the plantings had to be.

Mr. Svenby responded 25 percent of them would need to be within 30 feet of the perimeter. The remaining 75 percent could be anywhere on the site (ex. along roadways).

Ms. Wiesner asked if there would be a required buffer the along M-1.

Mr. Svenby responded explained that bufferyards are based on the type of uses that are developed on the site. It is likely that, once uses are established, bufferyards would be required.

Mr. Burke questioned if the fence should be around the mining operation instead of around the entire site.

Mr. Svenby responded that the Ordinance states around the perimeter of the mining site.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

171

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-9
ITEM DESCRIPTION: Type III, Phase II Conditional Use Permit request #03-46 by Franklin Kottschade. The applicant is requesting approval for an excavation permit of a substantial land alteration and quarry operation on property located south of 40 th Street SW and west of TH 63. The applicant is requesting to fill and construct within the shoreland district for a roadway as well as for the placement of fill in the flood prone and floodway. The property is located south of 40 th Street SW and west of TH 63.		PREPARED BY: Brent Svenby, Planner

August 12, 2003 NOTE: Project Narrative Information was sent separately to the Council due to its length.

City Planning and Zoning Commission Recommendation:

On September 10, 2003 the City Planning and Zoning Commission held a public hearing to consider Conditional Use Permit #03-46 and Variance(s) #03-19. The Commission is recommending approval of the Conditional Use Permit for a quarry operation, which will remove the existing hill on the property and fill the northerly portion of the property. The Commission approved 4 of the 6 variances requested.

Mr. Staver moved to recommend approval of Type III, Phase II Conditional Use Permit request #03-46 (substantial land alteration and quarry operation, fill and grading within the shoreland district and the placement of fill in the floodway and flood prone district) by Franklin Kottschade with the staff-recommended findings and conditions, except to add "and landscape plan reflecting quantities required in Section 62.1107, 2) e)1 & 2" to the end of condition number 6 and adding condition number 9 and 10 as stated below. Mr. Haeussinger seconded the motion. The motion carried 8-0.

1. Prior to excavation, the applicant shall:
 - Provide the City with a financial security consistent with Section 62.1107, 1, h of the Rochester Zoning Ordinance and Land Development Manual;
 - Receive approval of a grading, drainage and erosion control plans, meeting City standards;
 - The applicant shall submit a Blasting Plan to the City, in compliance with Section 62.1107, 1), m), prior to any blasting occurring on the site;
2. The reclamation/restoration grades shall match the proposed reconstructed grade elevations of TH 63 and ramp, and the 40th ST. SW profile and cross-sections as specified on the TH 63 Layout Plan.
3. A TIR shall be completed, if it differs from the land use and trip generation assumptions used in the TH 63 Traffic Study, to evaluate the impacts on the surrounding roadway, specifically TH 63 and 40th Street.
4. Stormwater Management must be provided on-site via City approved on-site stormwater detention facilities. Adequate vehicular access shall be provided to any proposed stormwater detention ponds.
5. The Owner shall match the abutting property line grades unless other documented arrangements are made with the abutting landowner and noted on the grading plan approved by the City.
6. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements including Transportation Improvement District Charges, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, contributions for public infrastructure, and landscape plan reflecting quantities required in Section 62.1107, 2) e)1 & 2.
7. The owners shall dedicate a 30-foot wide public utility easement and an additional 50-foot wide temporary construction easement along the easterly line of the property, concurrent with the approval of the CUP, to accommodate the trunkline sanitary sewer relocation. The owner shall address, prior to any grading activity occurring on the property, the extra depth that will result based on the plan to place fill in the easement area. The applicant and City staff will need to agree upon and coordinate a schedule for the sewer relocation prior to final CUP approval. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

8. The Owner shall coordinate with the RPU Water Division on the alignment of the 16" water main relocation to within the boundaries of the property. The owner shall also dedicate any necessary public utility easements for the water main. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.
9. The 6-foot high security fencing should encompass the area designates as the blasting, crushing, and immediate excavation area as noted on the plans submitted to the Commission and/or any Blasting Plan submitted to the Planning Department.
10. The plantings should occur at such time that final development plans are submitted or within five (5) years of the permit issuance. Plantings shall be consistent with Section 62.1107, 2) e)1 & 2.

Council Action Needed:

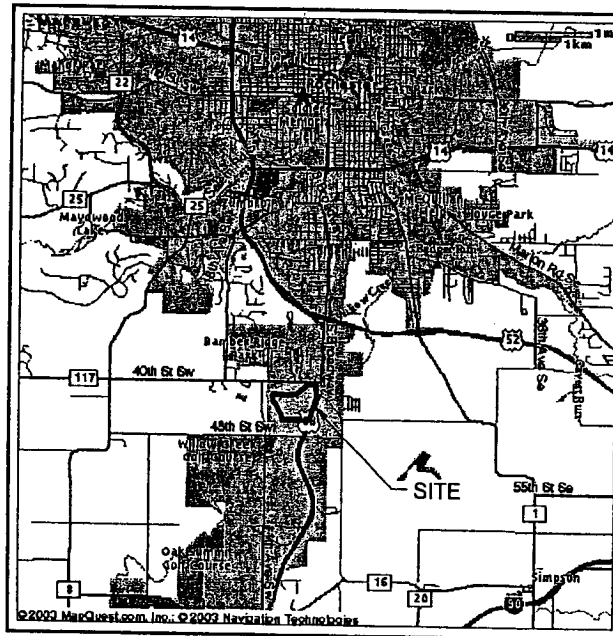
1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying the Conditional Use Permit request based upon the criteria included in the staff report (62.1105, 61.146).*

Attachments:

1. Staff Report dated September 5, 2003
2. Minutes of the September 10, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney: Legal Description Attached
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE
5. RKL Kuusisto, Ltd.



1 TITLE SHEET
2 SITE PLAN
3 SITE PLAN WITH EXISTING CONTOURS
4 OVERALL GRADING AND RECLAMATION PLAN
5 GRADING AND RECLAMATION DETAILS AND NOTES

12/10/2011

REVISIONS

WILLOW CREEK COMMONS
ROCHESTER, MINNESOTA

TITLE SHEET

 $\frac{1}{5}$

MS03300
133000

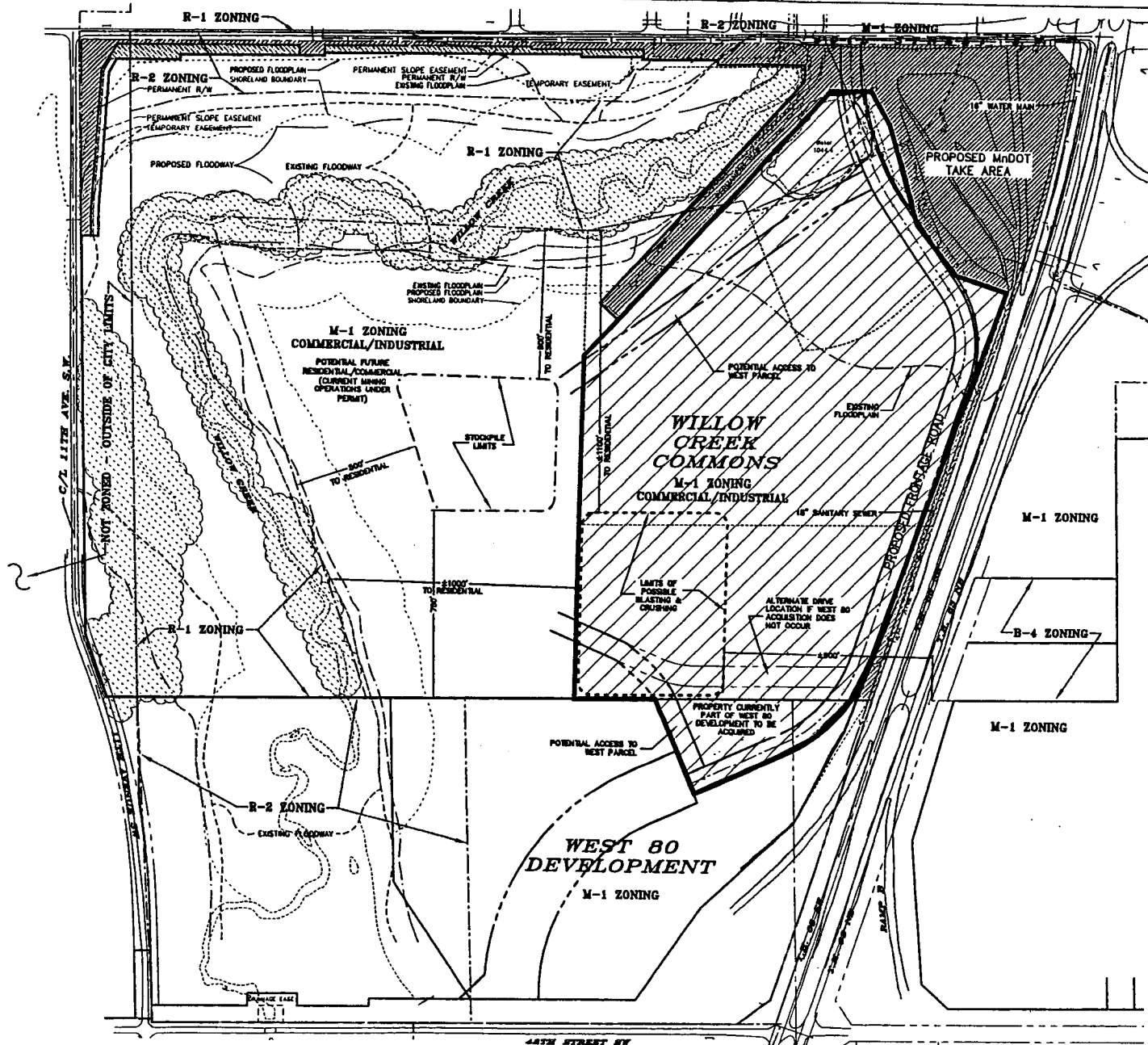
DATE

12/03

1

1

RECEIVED
AUG 13 2003
ROCHESTER OLDEST
PLANNING DEPARTMENT



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NOTES

DEVELOPMENT DENSITY, INTENSITY, AND LAND USE WILL BE PLANNED IN ACCORDANCE WITH THE CITY OF ROCHESTER ZONING ORDINANCE.

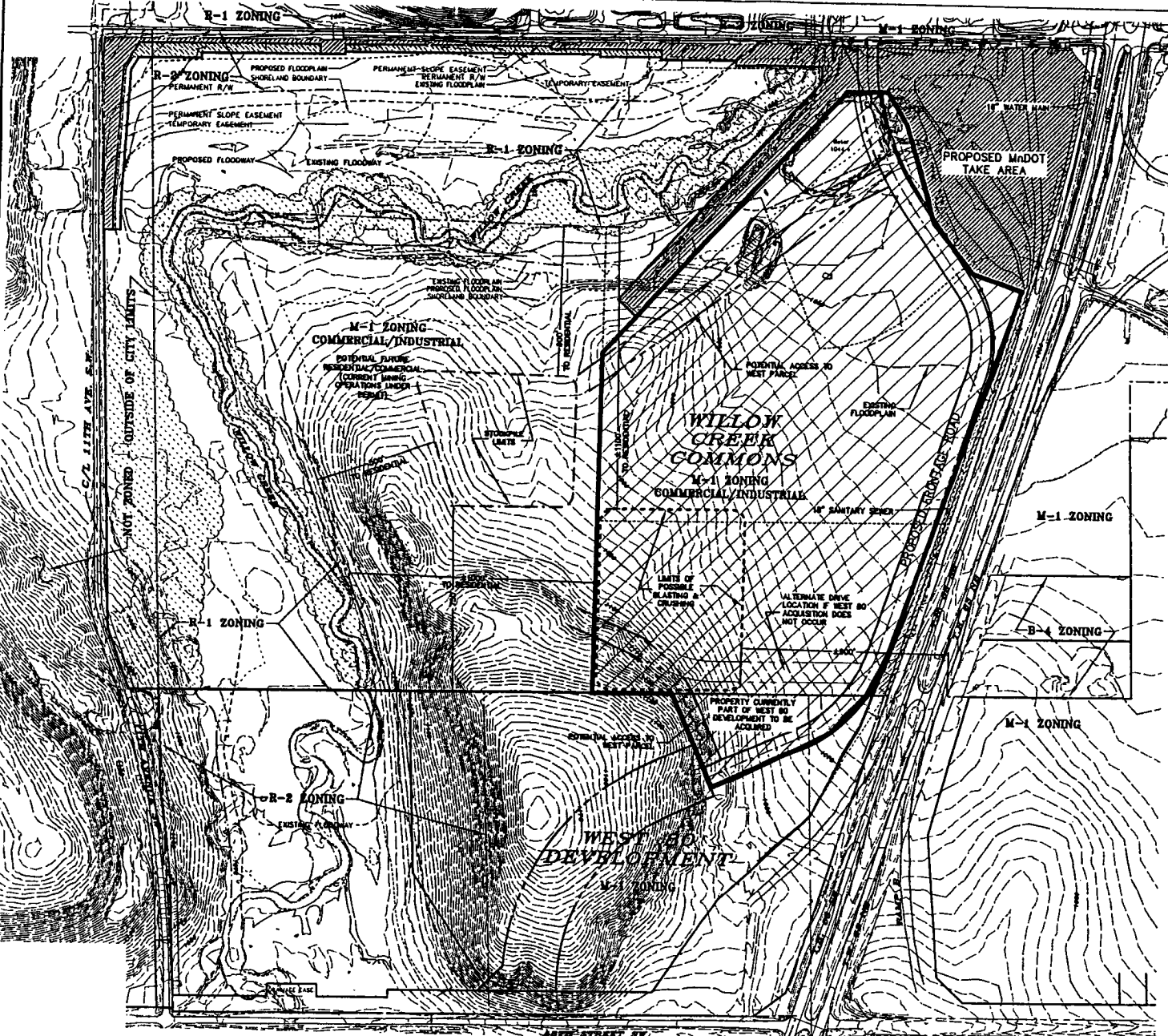
THE PROPOSED FRONTAGE ROAD IS DESIGNATED A CITY COLLECTOR.

GDP PROJECT AREA = ±69.0 ACRES

REVISIONS	DATE	BY	REASON
1	8/13/03	RLK	INITIAL DESIGN
2	8/13/03	RLK	REVISED C.D.
3	8/13/03	RLK	REVISED C.D.
4	8/13/03	RLK	REVISED C.D.
5	8/13/03	RLK	REVISED C.D.
6	8/13/03	RLK	REVISED C.D.
7	8/13/03	RLK	REVISED C.D.
8	8/13/03	RLK	REVISED C.D.
9	8/13/03	RLK	REVISED C.D.
10	8/13/03	RLK	REVISED C.D.

WILLOW CREEK COMMONS
 ROCHESTER, MINNESOTA
 CUP-LAND ALTERATION
 SITE PLAN

DATE: 8/13/03
 SCALE: 1" = 100' FEET
 AUG 13 2003
 ROCHESTER CLUSTER
 PLANNING DEPARTMENT



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NOTES

DEVELOPMENT DENSITY, INTENSITY, AND LAND USE WILL BE PLANNED IN ACCORDANCE WITH THE CITY OF ROCHESTER ZONING ORDINANCE.

THE PROPOSED FRONTAGE ROAD IS DESIGNATED A CITY COLLECTOR.

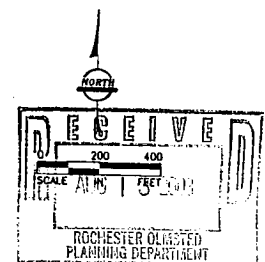
GDP PROJECT AREA = ± 69.0 ACRES

Project No. 1033064
 Date: 10/13/03
 Prepared by: J. J. Kumbata
 Checked by: M. J. Jackson
 Approved by: J. J. Kumbata



1. This drawing was prepared by Kumbata & Associates, Inc. for the City of Rochester, Minnesota. It is not to be used for any other purpose without the written consent of Kumbata & Associates, Inc.
 MICHAEL JACKSON, ENGINEER
 DATE: 10/13/03

REVISIONS	DATE	BY	CHKD



WILLOW CREEK COMMONS
 ROCHESTER, MINNESOTA
 CUP LAND ALTERATION
 SITE PLAN WITH
 EXISTING CONTOURS
 10/13/03

67

SITE DATA

PHASE	VOLUME*
I (A)	86,600 CY
I (B)	95,000 CY
II	170,000 CY
III	300,000 CY

*ALL VOLUMES REPRESENT IN-PLACE VOLUMES

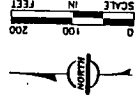
DEVELOPMENT
WEST 80

DRAWING TO BE
CONFORMANT

LEGEND

PROPOSED
EXISTING

TOPOGRAPHIC DATA



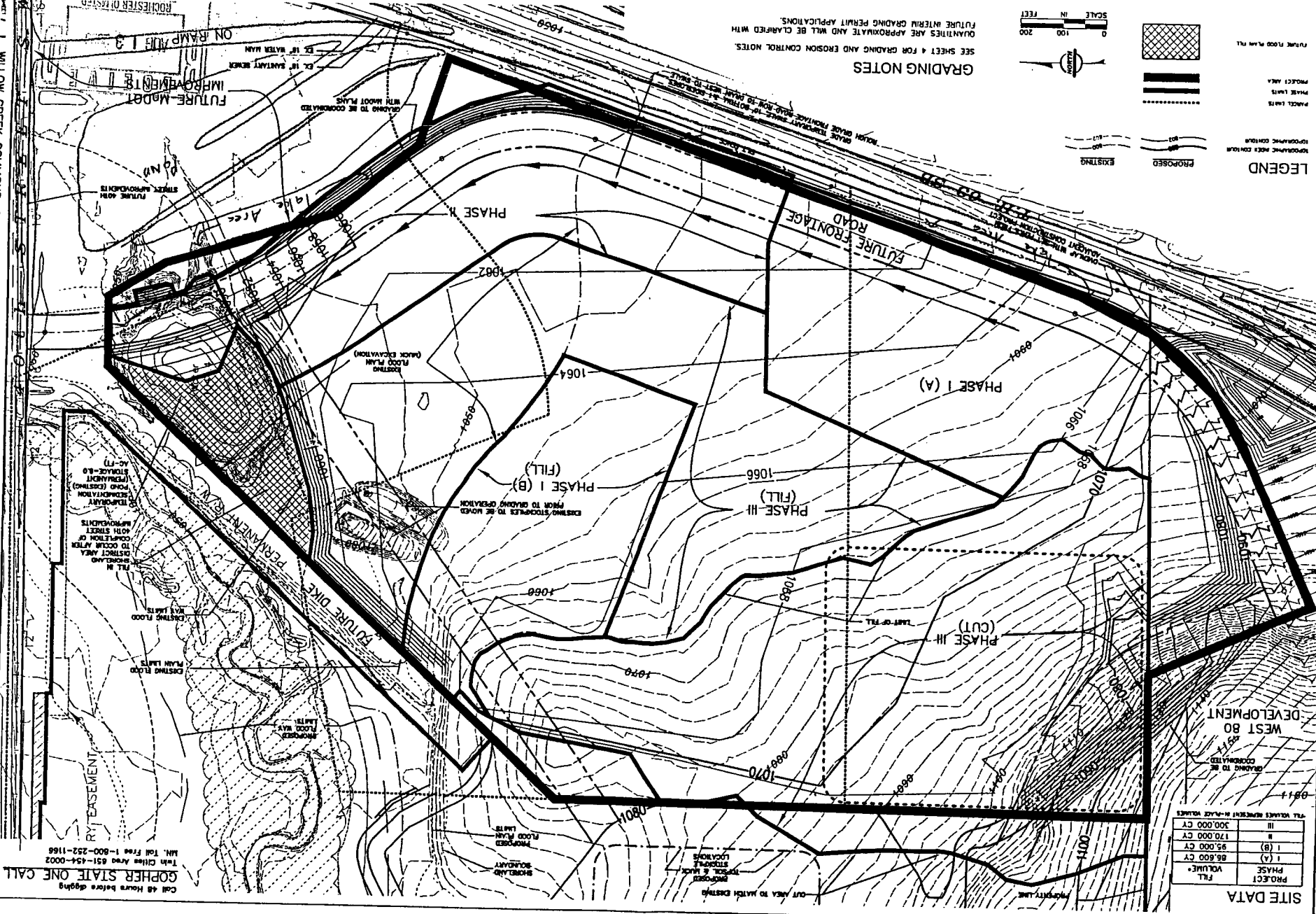
GRADING NOTES

QUANTITIES ARE APPROXIMATE AND WILL BE CLARIFIED WITH
FUTURE UTILITY GRADING PERMIT APPLICATIONS.

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Toll Free 1-800-454-0002

REVISIONS	DATE	BY	CHKD	APP'D
1. Initial Design	10/10/02	JAC	JAC	JAC
2. Final Design	10/10/02	JAC	JAC	JAC
3. Final Design	10/10/02	JAC	JAC	JAC
4. Final Design	10/10/02	JAC	JAC	JAC
5. Final Design	10/10/02	JAC	JAC	JAC
6. Final Design	10/10/02	JAC	JAC	JAC
7. Final Design	10/10/02	JAC	JAC	JAC
8. Final Design	10/10/02	JAC	JAC	JAC
9. Final Design	10/10/02	JAC	JAC	JAC
10. Final Design	10/10/02	JAC	JAC	JAC

WILLOW CREEK COMMONS
ROCHESTER, MINNESOTA
CUP LAND ALTERATION
OVERLAY ZONING
AND RECLAMATION PLAN

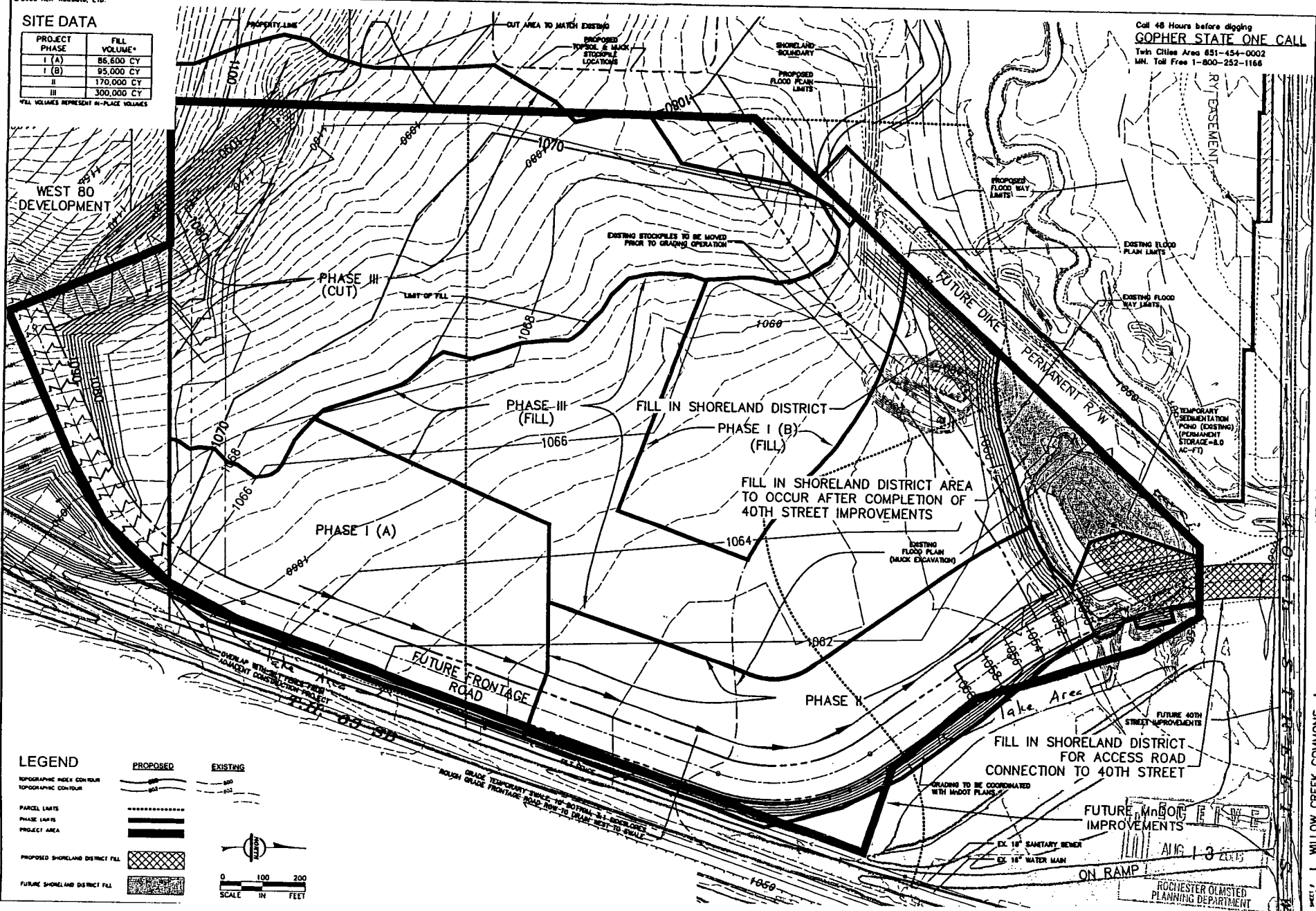


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SITE DATA

PROJECT PHASE	FILL VOLUME*
I (A)	86,600 CY
I (B)	95,000 CY
II	170,000 CY
III	300,000 CY

*FILL VOLUMES REPRESENT IN-PLACE VOLUMES



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REVISIONS

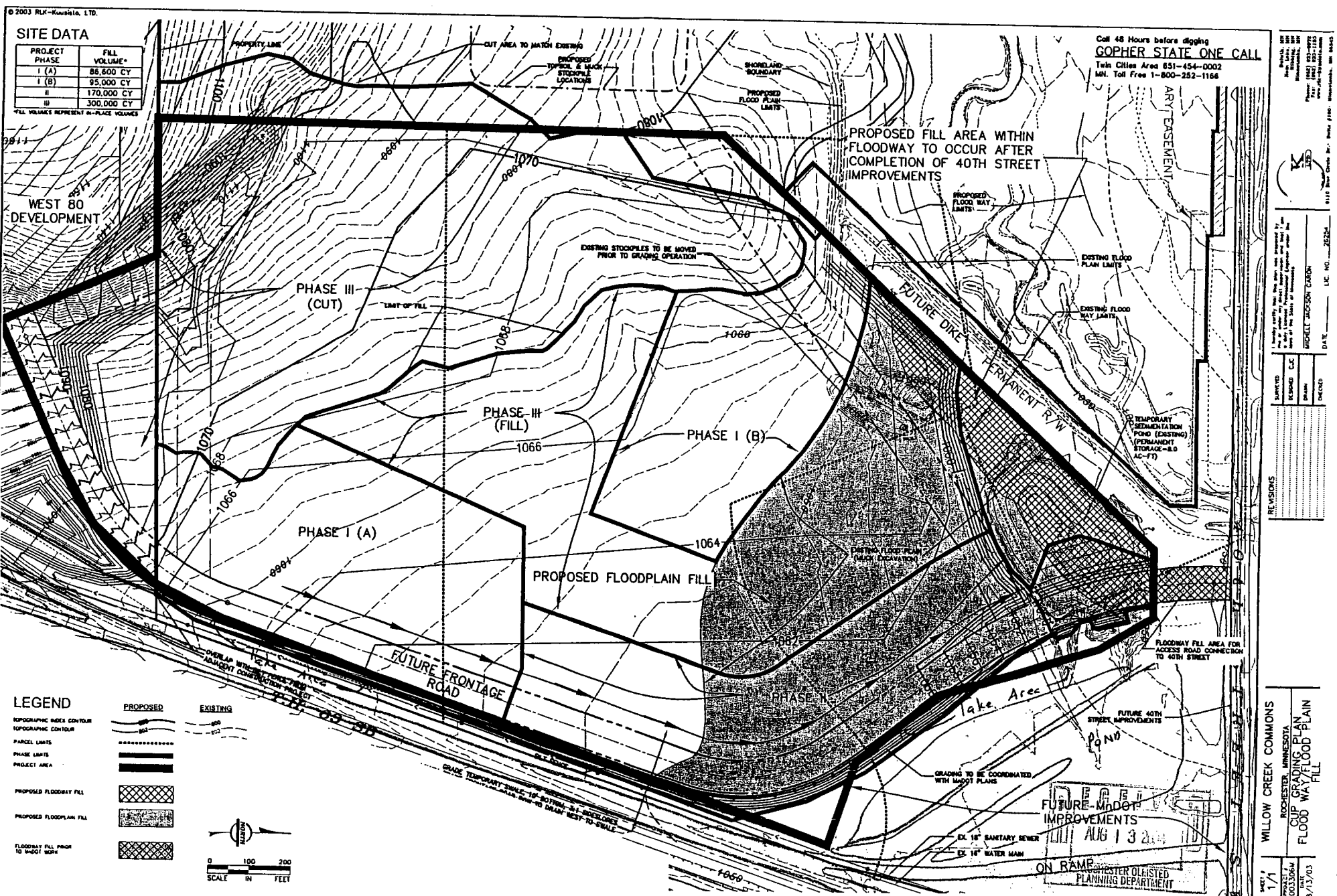
NO.	DATE	DESCRIPTION
1	8/13/03	ISSUED FOR PERMIT

PROJECT: 003.3056
 SHEET: 1/1
 DATE: 8/13/03
 DRAWN BY: MICHAEL JACKSON
 CHECKED BY: [Signature]
 DATE: 8/13/03
 L.C. NO. 28224

WILLOW CREEK COMMONS
 ROCHESTER, MINNESOTA
 CUP GRADING PLAN
 IMPACTS TO SHORELAND DISTRICT

ON RAMP
 AUG 13 2003
 ROCHESTER OLMDST PLANNING DEPARTMENT

172



SITE DATA

PROJECT PHASE	FILL VOLUME*
I (A)	86,600 CY
I (B)	95,000 CY
II	170,000 CY
III	300,000 CY

*FILL VOLUMES REPRESENT IN-PLACE VOLUMES

Call 48 Hours before digging
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LEGEND

TOPOGRAPHIC INDEX CONTOUR
 TOPOGRAPHIC CONTOUR

PARCEL LIMITS
 PHASE LIMITS
 PROJECT AREA

PROPOSED FLOODWAY FILL
 PROPOSED FLOODPLAIN FILL
 FLOODWAY FILL PRIOR TO MOIST WORK

PROPOSED
 EXISTING

0 100 200
 SCALE IN FEET

REVISIONS

NO.	DATE	DESCRIPTION
1	8/13/04	ISSUED FOR PERMIT

DATE: 8/13/04

PROJECT: WILLOW CREEK COMMONS

LOCATION: ROCHESTER, MINNESOTA

PROJECT: CUP GRADING PLAN

PROJECT: FLOODWAY FILL

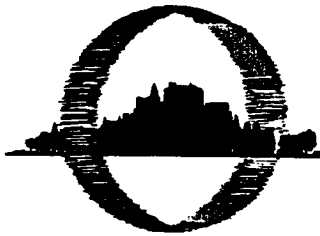
DATE: 8/13/04

PROJECT: WILLOW CREEK COMMONS

LOCATION: ROCHESTER, MINNESOTA

PROJECT: CUP GRADING PLAN

PROJECT: FLOODWAY FILL



ROCHESTER-OLMSTED PLANNING DEPARTMENT

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COUNTY OF
Olmsted

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179.

TO: City Planning & Zoning Commission

FROM: Brent Svenby, Planner

DATE: September 5, 2003

RE: Type III, Phase II Conditional Use Permit request #03-46 and Variances #03-19 by Franklin Kottschade. The applicant is requesting approval for an excavation permit of a substantial land alteration and quarry operation on property located south of 40th Street SW and west of TH 63. The applicant is requesting to fill and construct within the shoreland district for a roadway as well as for the placement of fill in the flood prone district. In addition to the conditional use, the applicant is also requesting a number of variances to the performance standards for quarries. The requested variances range from setback requirements to landscaping and fencing. The property is located south of 40th Street SW and west of TH 63

Planning Department Review:

Applicant: Frank Kottschade
3800 Highway 52 South
Rochester, MN 55901

Engineer/Consultant: RLK_Kuusisto, Ltd.
Attn: Michele Jackson Caron
6110 Blue Circle Drive, Suite 100
Minnetonka, MN 55343

Requested Action: The applicant is requesting a Type III, Phase II Conditional Use Permit to permit a Quarry in the M-1 (Mixed Commercial-Industrial) District. The applicant is also requesting a CUP for fill in the floodway and flood prone area. Also, the applicant is requesting a CUP for grading within the shoreland district. The applicant has also requested a number of variances to the standards for the operation of a quarry.

Location of Property: The property is located south of 40th Street SW, west of TH 63 and east of Willow Creek.

Zoning: M-1 (Mixed Commercial-Industrial).

Referral Comments:

1. Rochester Public Works
2. MN DOT
3. RPU Water Division



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Standards for Approval:

Excavation activities in the M-1 (Mixed Commercial) district require a Type III, Phase II Conditional Use Permit and are regulated by Section 62.1100 *et seq.* of the Rochester Zoning Ordinance and Land Development Manual. Conditional Uses for Excavation are also subject meeting the standards of 61.146 and some additional standards specific to Excavation found in Section 62.1105. Operation/performance standards for quarries are found in Section 62.1107.

Grading within the shoreland district is regulated by Section 62.1006 – 62.1010 and the placement of fill within the floodway and flood prone district is regulated by Section 62.800 of the Rochester Zoning Ordinance and Land Development Manual.

Report Attachments:

1. Excerpts from the Rochester Zoning Ordinance and Land Development Manual
2. Application Map/Plan
3. Referral Comments
4. Narrative for the Quarry Activity
5. Narrative for Fill in the Floodway and Flood Prone
6. Narrative for Shoreland Impact
7. Letter from the Polaris Group
8. Narrative for Variances

SUMMARY OF PROPOSAL:

The applicant is requesting an Excavation permit to operate a Quarry on property located south of 40th St. SW, west of TH 63 and east of Willow Creek. A crusher will be utilized on the site. Interchanges are planned to be constructed at TH 63 and 40th Street and at 48th Street south. The Official Street Map (#12) identifying the needed right-of-way for the interchange and also identifies a future north/south collector road west of TH 63 through the applicant's property.

The amount of excavation proposed is primarily a cut and balance of materials on the property. Some the fill material will come from the West 80 Development, which is located to the south.

The grading of the site will occur over several years however the majority of the grading will be completed within 2 years. Over 600,000 cubic yards of material will be moved as a result of the proposed grading of the site. Excavation would result in changing grades by as much as 30 vertical feet. Cutting as much as 30 feet occurs in the southerly portion of the site while filling 12 to 14 feet occurs in the northerly portion of the site. Hours of operation would be from 7:00 AM to 10:00 PM Monday-Friday and on Saturday as needed. Please see the attached narrative report for more details.

The grading is shown as being done in three (3) phases. The extent of the work being done in the phases are described in detail in the narrative submitted with the application. Filling within the floodway will be limited to what is required for the frontage road grading without impacting the floodway water elevations. Most of activity occurring within the floodway will be phased to occur after the 40th St. SW improvements are complete. Excess material that may be available from phase III cut area may be utilized on the parcel to the west in the future or trucked off-site to other locations.

The applicant is also requesting approval of the placement of fill in the flood prone district and floodway. According to the information submitted by the applicant the fill being placed in the floodway and flood prone district will be limited to what is required for the frontage road grading and will not exceed the allowable elevation as determined in the CLOMR analysis. The frontage road within the floodway will be temporary and will not impact the existing floodway water elevations. The remaining floodway area will not be filled until the 40th Street SW improvements are completed. The area proposed for the filling within the floodway and flood prone district will be removed from the floodway and flood prone district after the completion of the 40th Street improvements and the approval of the LOMR by FEMA.

The applicant is also requesting approval for grading within the shoreland. The proposal is to clear the area within the shoreland and place fill to remove the site from the flood prone district. The plan is to construct only the temporary roadway. Once the improvements are completed for 40th St. SW and the area is removed from the floodway and flood prone district additional grading will take place.

The applicant submitted a letter from the Polaris Group regarding the filling proposed within the floodway, flood prone and shoreland areas. The temporary roadway will be constructed to an elevation of approximately 1050' and it would be raised when the 40th St. interchange is completed. The proposed elevation of 1050' would not unduly obstruct flood flow prior to the construction of the MnDOT dike and the 40th St. bridge according to the letter from the Polaris Group. Once the LMOR is approved by FEMA, the area will be out of the floodway and flood prone districts.

Variances:

LDM Section# - Reference:	Ordinance Requirement:	Applicant Request/Proposal:	Notes:
62.1107, 1) j	500' setback to adj. Property zoned residential and 50' for industrial zoned property for excavation area with an elevation change of greater than 10 feet	Won't meet this setback to the northwest and south.	A CUP was approved for the property to south to allow excavation activities. The proposed grading on the two properties will need to be coordinated. The property to the northwest is owned by the applicant and is located in the flood plain and has very limited development potential.
62.1107,1) j	1000' setback to adj. Property zoned residential and 400' for industrial zoned property for any blasting	Won't meet this setback to the west and south.	A CUP was approved for the property to south to allow excavation activities. The proposed grading on the two properties will need to be coordinated. The property to the west is owned by the applicant and is zoned for commercial/industrial uses.
62.1107,1) j	1000' setback to adj. Property zoned residential and 100' for industrial zoned	Won't meet this setback to the west and south.	A CUP was approved for the property to south to allow excavation activities. The proposed

	property for any crushing or processing		grading on the two properties will need to be coordinated. The property to the west is owned by the applicant and is zoned for commercial/industrial uses.
62.1107, 1) i	A 6' continuous security fence provided around the entire perimeter	Proposes no fencing at all.	A CUP was approved for the property to south to allow excavation activities. The property owner to the south was required to provide a 6' security fence around the entire perimeter of his property.
62.1107, 2) e) 1 & 2	At least 8 deciduous & 8 evergreen trees shall be planted for each disturbed acre and 25% of required trees planted within 30 feet of perimeter	Proposes no landscaping now, says landscaping will be provided when the site is developed with uses.	A CUP was approved for the property to south to allow excavation activities. The property owner to the south was required to provide the landscaping a required by this standard. Depending to the uses developed on the site, landscaping (bufferyards) may not be required.
62.1106 4) b) 1	A minimum bufferyard of 50 feet shall be maintained adjacent to all property and right-of-ways	Grading required to all property boundaries to match grades of the TH 63/40 th St. project and to allow the development of the property to the west.	Grading to the property boundaries is needed to match the future grades because of the TH 63/40 th St. project.

Variance requests are subject to findings identified in Section 60.417.

The Planning staff suggested findings to Section 60.417 are:

For 62.1107, 1) j (first 3 listed in the above table)

EXCEPTIONAL CIRCUMSTANCES: *There are no residential dwellings as land uses that directly abut this property to the northwest. The property to the northwest is mostly in the floodway or floodplain so limited residential development could occur within this area. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow excavation activities. Coordination between the two properties is necessary to achieve grades that are compatible.*

REASONABLE USE: *Most of the property to the northwest is in the Floodplain. Use of the property is very limited due to the Floodplain designation of the property. Property to the south will have excavation activities on it, which will remove hill on it. Though Variances may not be required to permit the reasonable use of the property involved, granting of the Variances would provide reasonable use of the site for extraction of the granular material resource.*

ABSENCE OF DETRIMENT: The granting of this variance request does not appear to be materially detrimental to the public welfare or to other property in the area. The residential zoned property to the northwest has limited development potential and the commercial/industrial zoned land to the south will have excavation activities, which will remove hill on it. The mining operations would be operating concurrently.

MINIMUM VARIANCE: The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1107 1) J of the City of Rochester Zoning Ordinance and Land Development Manual, the required minimum setback for an excavation area with an elevation change of greater than 10 feet to residentially and commercial/industrial zoned property, the minimum setback for blasting to residentially and commercial/industrial zoned property for any blasting and the minimum setback for blasting to residentially and commercial/industrial zoned property for crushing and processing. This finding would not pertain in the case of denial.

For 62.1107, 1) I A 6' continuous security fence provided around the entire perimeter

EXCEPTIONAL CIRCUMSTANCES: There are no exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow the excavation of the hill. As part of the approval of the Conditional Use Permit on the property to the south, a 6' high security fence is being installed.

REASONABLE USE: The granting of this variance request is not necessary to allow for the reasonable use of the applicant's property. The property could still operate the mining operation if the 6' continuous security fence is installed. The 6' security fence provides safety to the general public and would deter people from entering onto the site.

ABSENCE OF DETRIMENT: The granting of this variance request does appear to be materially detrimental to the public welfare or to other property in the area. The purpose of requiring a 6' high continuous security fence around the mining operation is to protect the public and by having the fence will deter the general public from entering the site.

MINIMUM VARIANCE: The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1107 1) I of the City of Rochester Zoning Ordinance and Land Development Manual, a 6' continuous security fence provided around the entire perimeter. This finding would not pertain in the case of denial.

For 62.1107, 2) e) 1 & 2 At least 8 deciduous & 8 evergreen trees shall be planted for each disturbed acre and 25% of required trees planted within 30 feet of perimeter

EXCEPTIONAL CIRCUMSTANCES: There are no exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district. The planting requirement allows enough flexibility to proceed with the grading and the plantings are not required until the area is being reclaimed. The plantings that are required may also be counted towards meeting future bufferyard requirements when uses are established on the site. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow the mining of the hill. As part of the approval of the Conditional Use Permit on the property to the south, the required plantings will be planted on that site.

REASONABLE USE: The granting of this variance request is not necessary to allow for the reasonable use of the applicant's property. The property could still operate the mining operation if the required plantings are planted. The planting requirement allows enough flexibility to proceed with the grading and the plantings are not required until the area is being reclaimed. The required

plantings are part of a reclamation plan to provide revegetation of the site after the mining is complete. In addition to providing revegetation of the site, the plantings could also be counted towards meeting future bufferyard requirements when uses are established on the site.

ABSENCE OF DETRIMENT: *The granting of this variance request does appear to be materially detrimental to the public welfare or to other property in the area. The purpose of requiring plantings on the site after the mining is complete is to have revegetation of the site since the appearance of the property has changed as a result of the mining operation.*

MINIMUM VARIANCE: *The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1107 2) e) 1 & 2 of the City of Rochester Zoning Ordinance and Land Development Manual, at least 8 deciduous and 8 evergreen trees from the City's approved plant list, and consistent with the requirements of Section 63.150, are planted for each disturbed acre and at least 25 percent of required trees are planted within 30 feet of the perimeter of the site. This finding would not pertain in the case of denial.*

For 62.1106 4) b) 1 A minimum bufferyard of 50 feet shall be maintained adjacent to all property and right-of-ways

EXCEPTIONAL CIRCUMSTANCES: *There may be exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district due to location. Future improvements to the adjacent roadways and approval of a mining operation to the property to the south make it reasonable to grade the property to be consistent with future grades of adjacent roadways and properties.*

REASONABLE USE: *The granting of this variance request may be necessary to allow for the reasonable use of the applicant's property due to the planned future roadway improvements planned for TH 63 and 40th Street and approval of the Conditional Use Permit for a operation on the property to the south.*

ABSENCE OF DETRIMENT: *The granting of this does not appear to be detrimental to the public welfare. By being allowed to grade to the property boundaries, the applicant will be able to match into the future grades of the planned roadway improvement planned for TH 63 and 40th Street. Also by allowing to grade within the required buffer area, the grading on the southerly portion of the site can be coordinated with the property to the south as far as excavating the hill. The applicant does own the property to the west so grading to the west property boundary should not be detrimental.*

MINIMUM VARIANCE: *The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1106 4) b) 1 of the City of Rochester Zoning Ordinance and Land Development Manual, a minimum bufferyard of 50 feet shall be maintained adjacent to all property boundaries and all existing rights of way and any proposed rights of way for roadways included in the Long Range Transportation Plan or for which an official map has been prepared. This finding would not pertain in the case of denial.*

REVIEW PROCEDURES:

Excavation activities in the M-1 (Mixed Commercial) district require a Type III, Phase II Conditional Use Permit and are regulated by Section 62.1100 *et seq.* of the Rochester Zoning Ordinance and Land Development Manual. Conditional Uses for Excavation are also subject meeting the standards of 61.146 and some additional standards specific to Excavation found in Section 62.1105.

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When deciding on a Conditional Use Permit in any flood district, the standards of Sections 61.146 and 62.824 shall be considered. These sections are attached to the staff report. In addition to Sections 61.146 and 62.824, Section 62.860 needs to be complied with.

Section 62.860 of the LDM states that "the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered engineer or hydrologist that the following conditions have been met:

1. Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
2. No net loss of capacity for surface storage of flood waters shall result from the activity.
3. The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.

When deciding on a conditional use permit within the shoreland district, the following factors (62.1010), in addition to the standards in Paragraph 61.146 shall also be considered:

- a) A thorough evaluation of the waterbody and topographic, vegetation, and soils conditions on the site must be made to ensure:
 - 1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2) The visibility of structures and other facilities as viewed from public waters is limited;
 - 3) The site is adequate for water supply and on-site sewage treatment; and
 - 4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

RECOMMENDATION:

Staff is only recommending that the variances to the setbacks for blasting, crushing, elevation change of greater than 10 feet and the 50 foot bufferyard be granted. Staff does recommend that the other variances requested be denied. *If the commission agrees with staff on the variances, revised plans will need to be submitted showing a 6 foot security fence around the entire property as well as the required plantings for the reclamation of the site. The commission will need to add a condition requiring that.*

If the Commission wishes to proceed with this application, the Commission and Council could make findings in support of the application consistent Rochester Zoning Ordinance and Land Development Manual (see attached) Sections 62.1105, 61.146, 62.824, 62.860 and 62.1010, if the following conditions or modifications are imposed:

1. ***Prior to excavation, the applicant shall:***
 - ***Provide the City with a financial security consistent with Section 62.1107, 1, h of the Rochester Zoning Ordinance and Land Development Manual;***

- *Receive approval of a grading, drainage and erosion control plans, meeting City standards;*
 - *The applicant shall submit a Blasting Plan to the City, in compliance with Section 62.1107, 1), m), prior to any blasting occurring on the site;*
2. *The reclamation/restoration grades shall match the proposed reconstructed grade elevations of TH 63 and ramp, and the 40th ST. SW profile and cross-sections as specified on the TH 63 Layout Plan.*
 3. *A TIR shall be completed, if it differs from the land use and trip generation assumptions used in the TH 63 Traffic Study, to evaluate the impacts on the surrounding roadway, specifically TH 63 and 40th Street.*
 4. *Stormwater Management must be provided on-site via City approved on-site stormwater detention facilities. Adequate vehicular access shall be provided to any proposed stormwater detention ponds.*
 5. *The Owner shall match the abutting property line grades unless other documented arrangements are made with the abutting landowner and noted on the grading plan approved by the City.*
 6. *Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements including Transportation Improvement District Charges, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.*
 7. *The owners shall dedicate a 30-foot wide public utility easement and an additional 50-foot wide temporary construction easement along the easterly line of the property, concurrent with the approval of the CUP, to accommodate the trunkline sanitary sewer relocation. The owner shall address, prior to any grading activity occurring on the property, the extra depth that will result based on the plan to place fill in the easement area. The applicant and City staff will need to agree upon and coordinate a schedule for the sewer relocation prior to final CUP approval. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.*
 8. *The Owner shall coordinate with the RPU Water Division on the alignment of the 16" water main relocation to within the boundaries of the property. The owner shall also dedicate any necessary public utility easements for the water main. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.*

EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL

60.417 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and
 - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

- 2) The Board may grant a variance to the literal provisions of this ordinance if it finds that:
 - a) there has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance, and
 - b) the mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold information necessary for the administrative official to accurately review the permit or certificate request.
- 3) The Board shall under no circumstances grant a variance that will allow a use otherwise not permitted within the zoning district or any variance of the elevation or levels for flood protection.
- 4) In granting a variance, the zoning administrator or the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish, to the extent possible under the circumstances, the purposes of the regulations or provisions which are to be varied or modified and to reduce or minimize potentially injurious effects of the variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community. A variance and any conditions and safeguards which were made a part of the terms under which the variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its conditions and safeguards shall be a violation of this ordinance and punishable as such.

61.145 **Matters Under Consideration:** The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.

61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.1105 FINDINGS NECESSARY FOR ISSUANCE OF CONDITIONAL USE PERMITS (for Excavation Activities):

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;
- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to

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occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;

- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
- 15) The proposed activity complies with the requirements of the adopted building code.

62.824 **Conditional Use Permits - Standards for Approval:** When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:

- 1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.
- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5) The importance of the services provided by the proposed facility to the community.
- 6) The need for a waterfront location for the facility.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12) Such other factors which are relevant to the purposes of Paragraph 62.800.

62.860 CONSTRUCTION STANDARDS IN THE FLOOD PRONE DISTRICT

The requirements applicable in the Flood Fringe District, as defined in Section 62.840 shall apply in the Flood Prone District and, in addition, the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered professional engineer or hydrologist that the following conditions have been met:

- 1) Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
- 2) No net loss of capacity for surface storage of flood waters shall result from the activity.
- 3) The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.

62.1010 CONDITIONAL USE PERMITS - STANDARDS FOR APPROVAL

- 1) When deciding on a conditional use permit within the shoreland district, the following factors, in addition to the standards in Paragraph 61.146 shall also be considered:
 - a) A thorough evaluation of the waterbody and topographic, vegetation, and soils conditions on the site must be made to ensure:
 - 1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2) The visibility of structures and other facilities as viewed from public waters is limited;
 - 3) The site is adequate for water supply and on-site sewage treatment; and
 - 4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.



191'

August 28, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Type III, Phase II Conditional Use Permit request #03-46 and Variances #03-19 by Franklin Kottschade to allow for an excavation permit of a substantial land alteration and quarry operation on property known as Willow Creek Commons.

Dear Ms. Garness:

Our review of the referenced application is complete and we have no objections to this proposal.

Our comments follow:

1. See our General Development review letter dated August 7, 2003 for details regarding water system improvement planning.
2. We would especially like to coordinate the alignment of the 16" water main relocation (required as a part of the 40th St. Interchange construction) to within the phase II frontage road grading area if at all possible.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Frank Kottschade, Willow Creek Commons, LLC
RLK Kuusisto LTD

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/29/03

Public Works has reviewed the requested Conditional Use Permit #03-46 & VAR#03-19 for the Franklin Kottschade (Willow Creek Commons) Property. The following are Public Works comments on these requests:

1. Grading, Drainage and Erosion Control Plans, meeting City standards, must be approved prior to commencement of any grading and/or filling activity on this property.
2. The Owner should be required to match the abutting property line grades unless other documented arrangements are made with the abutting landowner and noted on the grading plan approved by the City.
3. Stormwater Management must be provided on-site, via City approved on-site stormwater management designed to serve the entire Property.
4. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements including Transportation Improvement District Charges, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure
5. A TIR will be required for development of this Property if proposed uses vary from those anticipated at the time the Environmental Assessment was prepared for/by MnDOT.
6. A bond or other form of surety acceptable to the City Attorney shall be provided in an amount determined by the City Engineer sufficient to carry out the restoration and stabilization of the site, in the event the Applicant fails to adhere to the conditions of the CUP (relating to site restoration / stabilization), and/or to follow the approved Grading Plan for this Project.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. Public Works has been informed by MnDOT that the existing trunkline sanitary sewer in the T.H. 63 ROW abutting this property will need to be relocated and can not remain within the ROW. This sanitary sewer provides direct service and benefit to the property and the Owner shall dedicate at no cost to the City, a permanent 30 foot wide public utility easement and a additional 50 foot wide temporary construction easement, along the easterly line of the Property, concurrent with CUP approval. Said easements are needed to accommodate the trunkline sanitary sewer relocation (Note: Additional easement width may be required if the watermain along a portion of the Property abutting 40th St & T.H. 63 is also required to be relocated outside of the ROW). The applicant should indicate how it intends to address the extra depth that will result based on the applicant's plan to place fill over the easement area. Filling within the easement areas will not be permitted until the sewer has been relocated by the City. The applicant and City staff will need to agree upon and coordinate a schedule for the sewer relocation prior to final CUP approval.
8. For clarity, Phase I (A), and Phase II on the grading plan should be labeled as "CUT" or as "FILL".

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include, but are not limited to:

- ❖ Sewer Availability Charge (SAC) – TBD, for that portion of the Property that has not previously paid a SAC charge and/or connection charges for the 7201 Trunkline Sanitary Sewer Project.
- ❖ Water Availability Charge (WAC).
- ❖ Transportation Improvement District (TID) - TBD
- ❖ Storm Water Management – TBD, for any areas where on-site detention can not be provided.
- ❖ Seal Coat charge for all new public streets within the development
- ❖ Street Signs as determined by the City Engineer



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

September 2, 2003

Jennifer Garness
Rochester – Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

RE: Type III, Phase II Conditional Use Permit request #03-46 and Variances #03-19 by Franklin Kottschade. The applicant is requesting approval for an excavation permit of a substantial land alteration and quarry operation on property located south of 40th Street SW and west of TH 63. The applicant is requesting to fill and construct within the shoreland district for a roadway as well as for the placement of fill in the flood prone district. In addition to the conditional use, the applicant is also requesting a number of variances to the performance standards for quarries. The requested variances range from setback requirements to landscaping and fencing. The property is located south of 40th Street SW and west of TH 63. CS 5509 US Highway 63

Dear Ms. Garness:

Mn/DOT has reviewed the request for a conditional use permit and variances from Franklin Kottschade, as described above. Substantial land alteration including drainage and fill affecting Mn/DOT property is indicated.

This proposed mitigation plan should recognize the construction limits and the design needs for the 40th Street interchange. The applicant should be informed that any drainage or fill onto Mn/DOT right-of-way will require a permit. Mn/DOT requests review of detailed grading plans, interim grading permits as required, and final drainage plans.

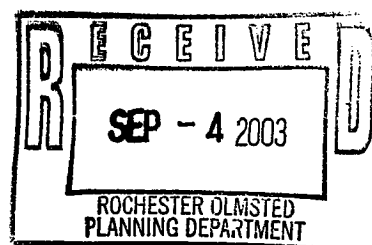
Removing the current 50 foot wide buffer yard as proposed is acceptable, however Mn/DOT recommends trees and landscaping to provide a needed buffer to residential property to the north. We recommend the six foot fence around the quarry operation remain. Any variance request should not be approved by the City of Rochester unless the need arises.

The applicant may also be required to meet other conditions as required by Mn/DOT. For additional information concerning Mn/DOT permit needs, contact Lee Gierok, Roadway Regulations Supervisor, at (507) 285-7362.

Thank you for the opportunity to provide this review. If you have any questions, please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul
Planning Director



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Mr. Jim Baier, of 2620 Brookwood Court SE, Eyota MN 55934, addressed the Commission. He stated that he owns the property to the southeast. He indicated that he is also on the Marion Township Board. He expressed concern with the request creating spot zoning. He also expressed concern of possible problems when trying to expand his business.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-15 by Melinda T. Dively-White & John White with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Type III, Phase II Conditional Use Permit request #03-46 and Variances #03-19 by Franklin Kottschade. The applicant is requesting approval for an excavation permit of a substantial land alteration and quarry operation on property located south of 40th Street SW and west of TH 63. The applicant is requesting to fill and construct within the shoreland district for a roadway as well as for the placement of fill in the flood prone district. In addition to the conditional use, the applicant is also requesting a number of variances to the performance standards for quarries. The requested variances range from setback requirements to landscaping and fencing. The property is located south of 40th Street SW and west of TH 63.

Mr. Brent Svenby presented the staff report, dated September 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Staver asked if the fence would be around the entire site or around where the blasting would occur.

Mr. Svenby responded around the entire site.

Ms. Wiesner asked if the trees would be up while the process is occurring.

Mr. Svenby responded that the plantings were required as part of the reclamation standards, which are required after the site is mined.

Mr. Burke asked where the plantings had to be.

Mr. Svenby responded 25 percent of them would need to be within 30 feet of the perimeter. The remaining 75 percent could be anywhere on the site (ex. along roadways).

Ms. Wiesner asked if there would be a required buffer the along M-1.

Mr. Svenby responded explained that bufferyards are based on the type of uses that are developed on the site. It is likely that, once uses are established, bufferyards would be required.

Mr. Burke questioned if the fence should be around the mining operation instead of around the entire site.

Mr. Svenby responded that the Ordinance states around the perimeter of the mining site.

Mr. Haeussinger stated that they move all around.

The applicant's representative, Mr. John Dietrich, of RLK Kuusisto, addressed the Commission. The Project Manager (Michele Caron) was also present to answer any questions. They are in agreement with the staff report and recommendations, except for the following three (3) items.

- 1) ***The need for a 6 foot security fence around the entire property:*** The entire site encompasses 69 acres. They only plan to blast in the southeast corner of the site. Therefore, putting up fencing along the entire perimeter of the site seems unnecessary. Also, the applicant owns the property surrounding the site. Since Willow Creek runs through the property there seems to already be a physical barrier for a portion of the site. Also, the West 80 property will already have their property fenced.
- 2) ***The placement of landscape materials (16 trees per acre):*** The 69 acres is primarily farmland. There are some overstory trees already located in the southwest corner of the property. The site and impact of the trees (approx. 1,100 trees) would severely impact the long-term development of the site. He asked that the landscaping be tied to the ultimate development of the site instead of requiring them to put the trees in right away and may need to tear them back up when they develop the site.
- 3) ***Staff-recommended condition number 7 requiring a 30-foot wide public utility easement along the easterly line of the property:*** The developer has no problem granting the easement to the City for utility relocation. However, they do not think the conditional use permit is the process to grant the easement. This should occur through the platting process or through a development agreement. The developer submitted the conditional use permit to identify all the issues and costs related to the MnDOT take along Highway 52 and 40th Street SW to try to minimize the cost to the taxpayer. The developer is willing to expedite the development agreement with the City.

Mr. Dietrich stated that the variances are based on hardships placed on the site (access at 40th Street SW and grades). MnDOT will be acquiring some of the property at some future point in time.

Ms. Wiesner stated that trees needed to be put in for each disturbed acre. She asked if all 69 acres would be disturbed.

Mr. Dietrich responded yes.

Ms. Wiesner stated that, if they do not disturb the entire 69 acres, they wouldn't have to put in as many trees.

Mr. Dietrich stated that they are using the entire 69 acres at this time.

Mr. Dietrich stated that the mining operation would be in the southwest corner. He explained where they would cut and where they would fill. Soil borings have not been done at this time.

Mr. Dietrich stated that they are also moving over 100,000 cubic yards.

Discussion ensued regarding ornamental trees and other trees being used.

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Ms. Petersson asked how many years it would take and why. She expressed concern with the rock crusher and noise.

Ms. Caron responded that they are not sure if the 40th Street SW improvements would occur next year. This is a concept phasing plan at this time. The blasting and crushing would occur within the first couple of years.

Mr. Haeussinger asked if the water-like basins on the property being mined was part of their project.

Ms. Caron stated that it is part of the MnDot project.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Staver stated that it doesn't seem to make sense to put a lot of trees (approx. 1,100) on a site that doesn't have a lot now. Then, in the future, a final plan would be submitted for the area that would layout the area. They could be replacing them at that time. Putting a fence around the entire 69 acres seems excessive.

Ms. Wiesner suggested that they do not put the trees up until the site development process.

Mr. Haeussinger stated that, if development doesn't occur within 5 years, they should be obligated to put the trees in. The perimeter around the creek on the north and to the west and the area that abuts the West 80 Development, the natural buffer barrier could be utilized as a fence.

Mr. Staver asked if there is a way to support the variance requests but to provide protection.

Mr. Svenby responded that, based on the final site development, if there are all retail uses, there would be no bufferyard requirements. If there is a retail use next to an office building, there would be some. Types of bufferyards are based on the uses that are established on the property. Therefore, they will not know if bufferyards would be required until the uses are known. The tree plantings are part of the reclamation plan and could be counted as meeting bufferyards.

Ms. Wiesner stated that they are still obligated for the 16 trees per acre, but they just do not have to put them in until they submit a site development plan. The Commission could make this a condition upon approval of the conditional use permit.

Mr. Burke stated that any type of landscaping could count towards the 16 trees per acre.

Mr. Svenby responded it would have to be consistent with the type of trees required in the Ordinance.

Ms. Rivas suggested the following wording with regard to providing trees at a later time: "The tree plantings are delayed until such time that a development plan has been submitted and approved. In absent of a development plan after five years, all rules applied to planting shall be in full applicable force."

Mr. Haeussinger stated that, in areas of natural topography (ex. creek and present trees), they could be utilized in meeting the fencing requirements. In the areas that are parallel to adjacent

developments (ex. West 80 Development) where fencing is already in place, this would meet the fencing requirements.

Mr. Burke explained the problems with designating natural geographic barriers.

Ms. Wiesner stated that they must blend certain topography in with public improvement projects that they do not have any say in. To put a fence between the two of them doesn't make sense.

Mr. Staver asked how staff wanted the Commission to make their motions.

Mr. Svenby asked that those variances the Commission wants to approve should be blocked into one motion and those they wish to deny should be blocked in separate motions. Also, a motion should be made with regard to the conditional use permit separately. He explained that the Commission would need to change any of the staff-recommended findings if necessary.

Mr. Staver moved to approve Variance to Section 62.1107, 1) j (500' setback to adj. Property zoned residential and 50' for industrial zoned property for excavation area with an elevation change of greater than 10 feet), Section 62.1007, 1) j (1000' setback to adj. Property zoned residential and 400' for industrial zoned property for any blasting), 62.1107, 1) j (1000' setback to adj. Property zoned residential and 100' for industrial zoned property for any crushing or processing), and Section 62.1106 4) b) 1 (A minimum bufferyard of 50 feet shall be maintained adjacent to all property and right-of-ways) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 8-0.

FINDINGS – Section 62.1107, 1(j):

EXCEPTIONAL CIRCUMSTANCES: There are no residential dwellings as land uses that directly abut this property to the northwest. The property to the northwest is mostly in the floodway or floodplain so limited residential development could occur within this area. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow excavation activities. Coordination between the two properties is necessary to achieve grades that are compatible.

REASONABLE USE: Most of the property to the northwest is in the Floodplain. Use of the property is very limited due to the Floodplain designation of the property. Property to the south will have excavation activities on it, which will remove hill on it. Though Variances may not be required to permit the reasonable use of the property involved, granting of the Variances would provide reasonable use of the site for extraction of the granular material resource.

ABSENCE OF DETRIMENT: The granting of this variance request does not appear to be materially detrimental to the public welfare or to other property in the area. The residential zoned property to the northwest has limited development potential and the commercial/industrial zoned land to the south will have excavation activities, which will remove hill on it. The mining operations would be operating concurrently.

MINIMUM VARIANCE: The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1107 1) J of the City of

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Rochester Zoning Ordinance and Land Development Manual, the required minimum setback for an excavation area with an elevation change of greater than 10 feet to residentially and commercial/industrial zoned property, the minimum setback for blasting to residentially and commercial/industrial zoned property for any blasting and the minimum setback for blasting to residentially and commercial/industrial zoned property for crushing and processing.

FINDINGS – Section 62.1106,4) b) 1:

EXCEPTIONAL CIRCUMSTANCES: There may be exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district due to location. Future improvements to the adjacent roadways and approval of a mining operation to the property to the south make it reasonable to grade the property to be consistent with future grades of adjacent roadways and properties.

REASONABLE USE: The granting of this variance request may be necessary to allow for the reasonable use of the applicant's property due to the planned future roadway improvements planned for TH 63 and 40th Street and approval of the Conditional Use Permit for a operation on the property to the south.

ABSENCE OF DETRIMENT: The granting of this does not appear to be detrimental to the public welfare. By being allowed to grade to the property boundaries, the applicant will be able to match into the future grades of the planned roadway improvement planned for TH 63 and 40th Street. Also by allowing to grade within the required buffer area, the grading on the southerly portion of the site can be coordinated with the property to the south as far as excavating the hill. The applicant does own the property to the west so grading to the west property boundary should not be detrimental.

MINIMUM VARIANCE: The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to Section 62.1106 4) b) 1 of the City of Rochester Zoning Ordinance and Land Development Manual, a minimum bufferyard of 50 feet shall be maintained adjacent to all property boundaries and all existing rights of way and any proposed rights of way for roadways included in the Long Range Transportation Plan or for which an official map has been prepared.

Mr. Staver stated that some fencing needs to be done to promote public safety. He asked the Commission how they wanted to word it.

Mr. Burke questioned if the entire 69 acres would be considered a mining operation. He asked if they could just put security fencing around the immediate area being mined.

Mr. Svenby stated that the mining permit encompasses the entire 69 acres. However, there is a site labeled as the "limits of possible blasting and crushing area".

Ms. Rivas agreed.

Ms. Wiesner stated that they would need to submit a Blasting Plan to the City. Therefore, the areas shown on that map should also be fenced.

Mr. Staver moved to approve the Variance to Section 62.1107 1 (i) (A 6' continuous security fence provided around the entire perimeter) with the following modification "a six foot continuous security fence provided around the area designated as "limits of possible blasting and crushing area" or as identified on the Blasting Plan. Mr. Haeussinger seconded the motion.

Discussion ensued regarding the motion and changing the variance request submitted by the applicant. Further discussion of having to deny the Variance Request as they would be changing the request.

The motion failed 0-8, with Ms. Petersson, Ms. Rivas, Ms. Wiesner, Mr. Burke, Mr. Haeussinger, Mr. Staver, Mr. Ohly, and Mr. Dockter voting nay.

Mr. Staver moved to deny Variance 62.1107 1) i (A 6' continuous security fence provided around the entire perimeter) based on the staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 8-0.

FINDINGS – Section 62.1107 1) i:

EXCEPTIONAL CIRCUMSTANCES: There are no exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow the excavation of the hill. As part of the approval of the Conditional Use Permit on the property to the south, a 6' high security fence is being installed.

REASONABLE USE: The granting of this variance request is not necessary to allow for the reasonable use of the applicant's property. The property could still operate the mining operation if the 6' continuous security fence is installed. The 6' security fence provides safety to the general public and would deter people from entering onto the site.

ABSENCE OF DETRIMENT: The granting of this variance request does appear to be materially detrimental to the public welfare or to other property in the area. The purpose of requiring a 6' high continuous security fence around the mining operation is to protect the public and by having the fence will deter the general public from entering the site.

Mr. Staver moved to deny Variance 62.1107 2) e) 1 & 2 (At least 8 deciduous & 8 evergreen trees shall be planted for each disturbed acre and 25% of required trees planted within 30 feet of perimeter) based on the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 8-0.

FINDINGS – Section 62.1107 2) e) 1 & 2:

EXCEPTIONAL CIRCUMSTANCES: There are no exceptional circumstances or conditions that apply to the applicant's property that may not apply generally to other properties in the same zoning district. The planting requirement allows enough flexibility to proceed with the grading and the plantings are not required until the area

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is being reclaimed. The plantings that are required may also be counted towards meeting future bufferyard requirements when uses are established on the site. The property to the south is zoned M-1 and recently a Conditional Use Permit was approved on the property to allow the mining of the hill. As part of the approval of the Conditional Use Permit on the property to the south, the required plantings will be planted on that site.

REASONABLE USE: The granting of this variance request is not necessary to allow for the reasonable use of the applicant's property. The property could still operate the mining operation if the required plantings are planted. The planting requirement allows enough flexibility to proceed with the grading and the plantings are not required until the area is being reclaimed. The required plantings are part of a reclamation plan to provide revegetation of the site after the mining is complete. In addition to providing revegetation of the site, the plantings could also be counted towards meeting future bufferyard requirements when uses are established on the site.

ABSENCE OF DETRIMENT: The granting of this variance request does appear to be materially detrimental to the public welfare or to other property in the area. The purpose of requiring plantings on the site after the mining is complete is to have revegetation of the site since the appearance of the property has changed as a result of the mining operation.

Discussion ensued regarding putting two additional conditions upon approval of the conditional use permit with regard to the security fence and tree plantings.

Ms. Rivas suggested adding language shown in **bold on page 10 (condition 6)**.

Ms. Petersson suggested leaving staff-recommended condition number 7.

Mr. Burke asked Mr. Svenby if it is uncommon to see a utility easement at this point in the process.

Mr. Svenby explained that MnDOT informed the City that they needed the sanitary sewer line out of the right-of-way for the Highway 63 project. Part of the condition of approval for the West 80 Development conditional use permit was that they relocate the sanitary sewer line onto the property as part of their mining operation.

Mr. Staver moved to recommend approval of Type III, Phase II Conditional Use Permit request #03-46 (substantial land alteration and quarry operation, fill and grading within the shoreland district and the placement of fill in the floodway and flood prone district) by Franklin Kottschade with the staff-recommended findings and conditions, except to add "and landscape plan reflecting quantities required in Section 62.1107, 2) e)1 & 2" to the end of condition number 6 and adding condition number 9 and 10 as stated below. Mr. Haeussinger seconded the motion. The motion carried 8-0.

CONDITIONS:

1. Prior to excavation, the applicant shall:
 - Provide the City with a financial security consistent with Section 62.1107, 1, h of the Rochester Zoning Ordinance and Land Development Manual;

- Receive approval of a grading, drainage and erosion control plans, meeting City standards;
 - The applicant shall submit a Blasting Plan to the City, in compliance with Section 62.1107, 1), m), prior to any blasting occurring on the site;
2. The reclamation/restoration grades shall match the proposed reconstructed grade elevations of TH 63 and ramp, and the 40th ST. SW profile and cross-sections as specified on the TH 63 Layout Plan.
 3. A TIR shall be completed, if it differs from the land use and trip generation assumptions used in the TH 63 Traffic Study, to evaluate the impacts on the surrounding roadway, specifically TH 63 and 40th Street.
 4. Stormwater Management must be provided on-site via City approved on-site stormwater detention facilities. Adequate vehicular access shall be provided to any proposed stormwater detention ponds.
 5. The Owner shall match the abutting property line grades unless other documented arrangements are made with the abutting landowner and noted on the grading plan approved by the City.
 6. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements including Transportation Improvement District Charges, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, contributions for public infrastructure, **and landscape plan reflecting quantities required in Section 62.1107, 2) e)1 & 2.**
 7. The owners shall dedicate a 30-foot wide public utility easement and an additional 50-foot wide temporary construction easement along the easterly line of the property, concurrent with the approval of the CUP, to accommodate the trunkline sanitary sewer relocation. The owner shall address, prior to any grading activity occurring on the property, the extra depth that will result based on the plan to place fill in the easement area. The applicant and City staff will need to agree upon and coordinate a schedule for the sewer relocation prior to final CUP approval. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.
 8. The Owner shall coordinate with the RPU Water Division on the alignment of the 16" water main relocation to within the boundaries of the property. The owner shall also dedicate any necessary public utility easements for the water main. A revised plan shall be submitted showing the location of the trunkline sanitary sewer as well as the necessary easements.
 9. **The 6-foot high security fencing should encompass the area designates as the blasting, crushing, and immediate excavation area as noted on the plans submitted to the Commission and/or any Blasting Plan submitted to the Planning Department.**
 10. **The plantings should occur at such time that final development plans are submitted or within five (5) years of the permit issuance. Plantings shall be consistent with Section 62.1107, 2) e)1 & 2.**

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

203

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-10

ITEM DESCRIPTION: Final Plat #99-24 to be known as Essex Estates 5th
SubdivisionPREPARED BY:
Brent Svenby,
Planner

October 2, 2003

Planning Department Review:

See attached staff report dated October 2, 2003 recommending approval subject to the following conditions:

1. The owner shall pay all outstanding development related charges for SAC, WAC, Stormwater Management, etc., prior to the recording of the final plat documents.
2. The owner shall execute and provide a warranty deed to the City that will transfer Ownership of Outlots A and B, prior to the recording of the final plat documents.
3. The final plat shall be revised to provide a 30 foot wide Outlot to Outlot B. The 30 foot wide outlot shall have frontage on Londonderry Drive NE. The City Public Works Department and the City Park and Recreation Department shall approve of the location of the Outlot.
4. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 26, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.
5. The roadway named Kingston Lane NW shall be renamed with a name approved by the GIS/Addressing Staff. The proposed named Kingston Lane is in conflict with the roadway named Kinston Place NW found in Kingsbury Hills Subdivision.

Council Action Needed:

1. A resolution approving the plat can be adopted.

Distribution:

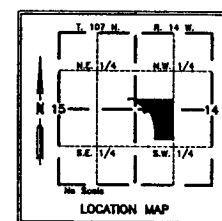
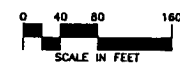
1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. Yaggy Colby Associates.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

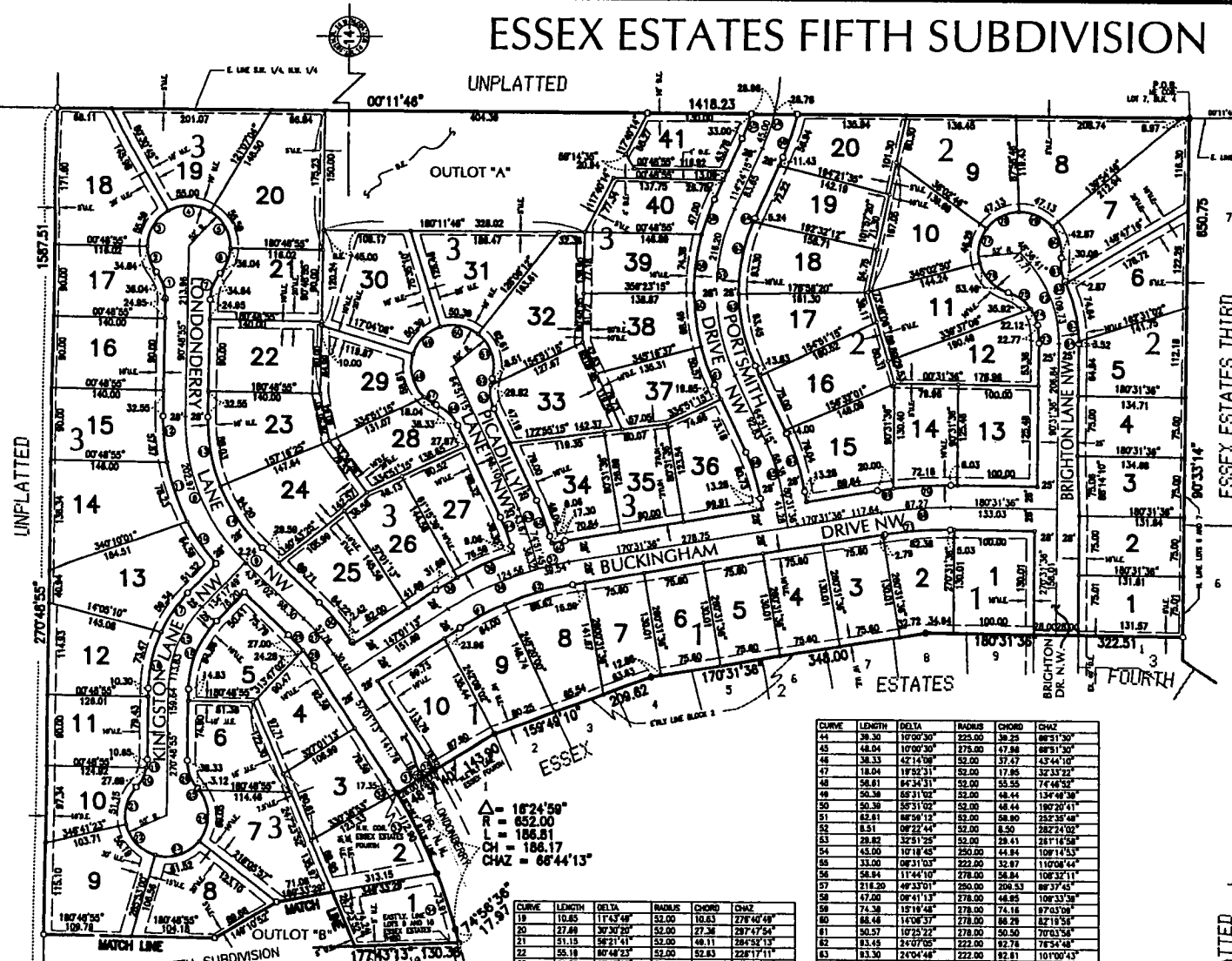
ESSEX ESTATES FIFTH SUBDIVISION

204

YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECTS
PLANNERS
LANDSCAPE ARCHITECTS
717 THIRD AVENUE SOUTHWEST
NICHOLLA, MINNESOTA 55454
TEL: 612.338.4444
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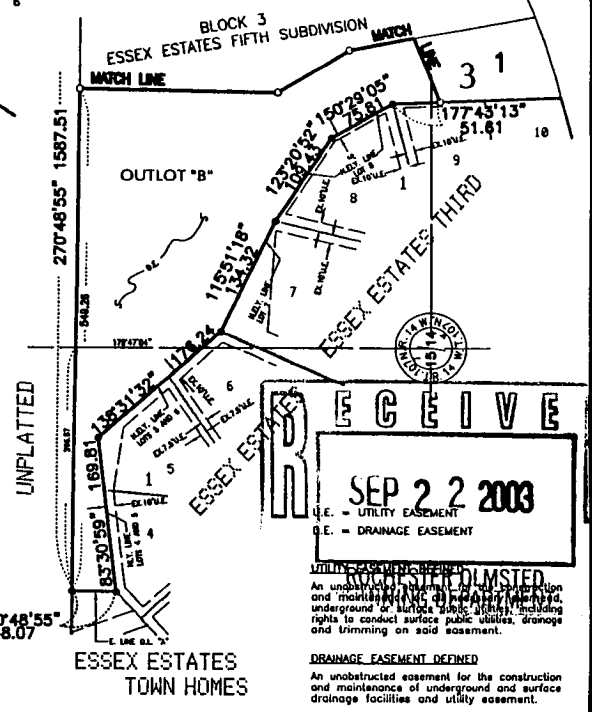
- MONUMENTS**
- SET 1/2" REBARS
 - SET 3/4" IRON PIPES
 - FOUND MONUMENTS (PIPE, ROD, ETC...)
- ALL MONUMENTS SET HAVE A PLASTIC CAP STAMPED L.S. 2242Z
- BEARINGS**
- Plot bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.



Δ = 18°24'50"
R = 652.00
L = 186.81
CH = 186.17
CHAZ = 66°44'13"

CURVE	LENGTH	DELTA	RADIUS	CHORD	CHAZ
44	38.30	107°00'30"	225.00	38.25	88°51'30"
45	48.04	107°00'30"	275.00	47.86	88°51'30"
46	38.33	42°14'08"	52.00	37.47	43°44'10"
47	18.04	18°59'31"	52.00	17.85	33°33'23"
48	56.81	84°34'31"	52.00	55.55	74°46'02"
49	50.38	55°31'02"	52.00	48.44	134°40'38"
50	50.38	55°31'02"	52.00	48.44	180°20'41"
51	82.81	88°58'12"	52.00	88.90	253°38'40"
52	5.51	08°22'44"	52.00	6.50	282°24'02"
53	28.82	32°21'25"	52.00	28.41	281°14'04"
54	45.00	10°18'45"	250.00	44.84	108°14'53"
55	33.00	08°31'03"	222.00	32.87	110°08'44"
56	58.84	11°44'10"	278.00	58.84	108°32'11"
57	218.20	49°33'01"	250.00	206.53	88°37'45"
58	47.00	08°41'13"	278.00	46.88	178°33'59"
59	74.38	18°18'48"	278.00	74.18	173°03'58"
60	68.48	14°06'37"	278.00	68.29	82°19'58"
61	50.57	10°25'22"	278.00	50.50	70°03'58"
62	83.45	24°07'05"	222.00	82.78	78°54'48"
63	83.50	24°04'48"	222.00	82.81	101°00'43"
64	5.24	01°31'10"	222.00	5.24	112°43'41"
65	68.38	15°40'21"	222.00	68.17	72°41'25"
66	80.15	15°40'21"	222.00	80.54	72°41'25"
67	78.04	15°40'21"	278.00	78.81	72°41'25"
68	87.27	10°00'00"	500.00	87.18	179°31'36"
69	26.00	02°10'11"	500.00	25.88	171°36'41"
70	72.18	07°48'48"	500.00	72.10	178°34'11"
71	82.38	10°00'00"	472.00	82.28	179°31'36"
72	108.73	41°54'50"	150.00	107.30	88°34'08"
73	22.77	17°28'18"	125.00	22.74	85°18'31"
74	22.12	21°22'18"	52.00	21.85	87°54'17"
75	15.81	34°34'25"	52.00	15.81	35°53'51"
76	53.48	58°54'15"	52.00	51.14	43°35'43"
77	44.29	50°58'58"	52.00	44.77	100°32'48"
78	47.13	51°54'00"	52.00	45.54	152°00'48"
79	47.13	51°54'00"	52.00	45.54	203°56'48"
80	42.87	07°13'58"	52.00	41.84	253°31'45"
81	30.08	37°08'25"	52.00	29.81	280°31'41"
82	2.87	00°58'25"	175.00	2.87	244°27'54"
83	74.84	2°28'18"	175.00	74.08	257°08'18"
84	3.52	01°08'08"	175.00	3.52	248°37'02"

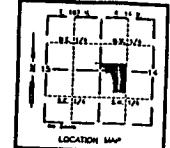
CURVE	LENGTH	DELTA	RADIUS	CHORD	CHAZ
1	36.04	38°42'54"	52.00	35.33	70°57'28"
2	34.84	38°09'24"	52.00	34.30	70°10'25"
3	55.59	81°14'51"	52.00	52.98	118°53'20"
4	55.00	80°36'18"	52.00	52.48	180°48'55"
5	55.59	81°14'51"	52.00	52.88	241°44'30"
6	34.84	38°09'24"	52.00	34.00	281°28'55"
7	36.04	38°42'54"	52.00	35.33	290°40'22"
8	202.97	48°31'08"	250.00	197.48	67°32'24"
9	2.24	00°30'47"	250.00	2.24	44°52'55"
10	64.58	13°18'38"	278.00	64.44	58°06'41"
11	78.23	18°07'22"	278.00	77.87	70°49'40"
12	57.87	11°50'34"	278.00	57.76	84°51'08"
13	88.83	22°43'14"	222.00	87.48	79°27'18"
14	84.20	24°18'58"	222.00	83.48	84°56'11"
15	113.83	43°28'54"	150.00	111.12	112°35'22"
16	73.47	24°03'18"	175.00	72.83	102°50'33"
17	58.34	18°25'38"	175.00	58.05	124°34'58"
18	84.88	43°28'54"	125.00	82.80	112°33'22"



RECEIVED
SEP 22 2003
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT

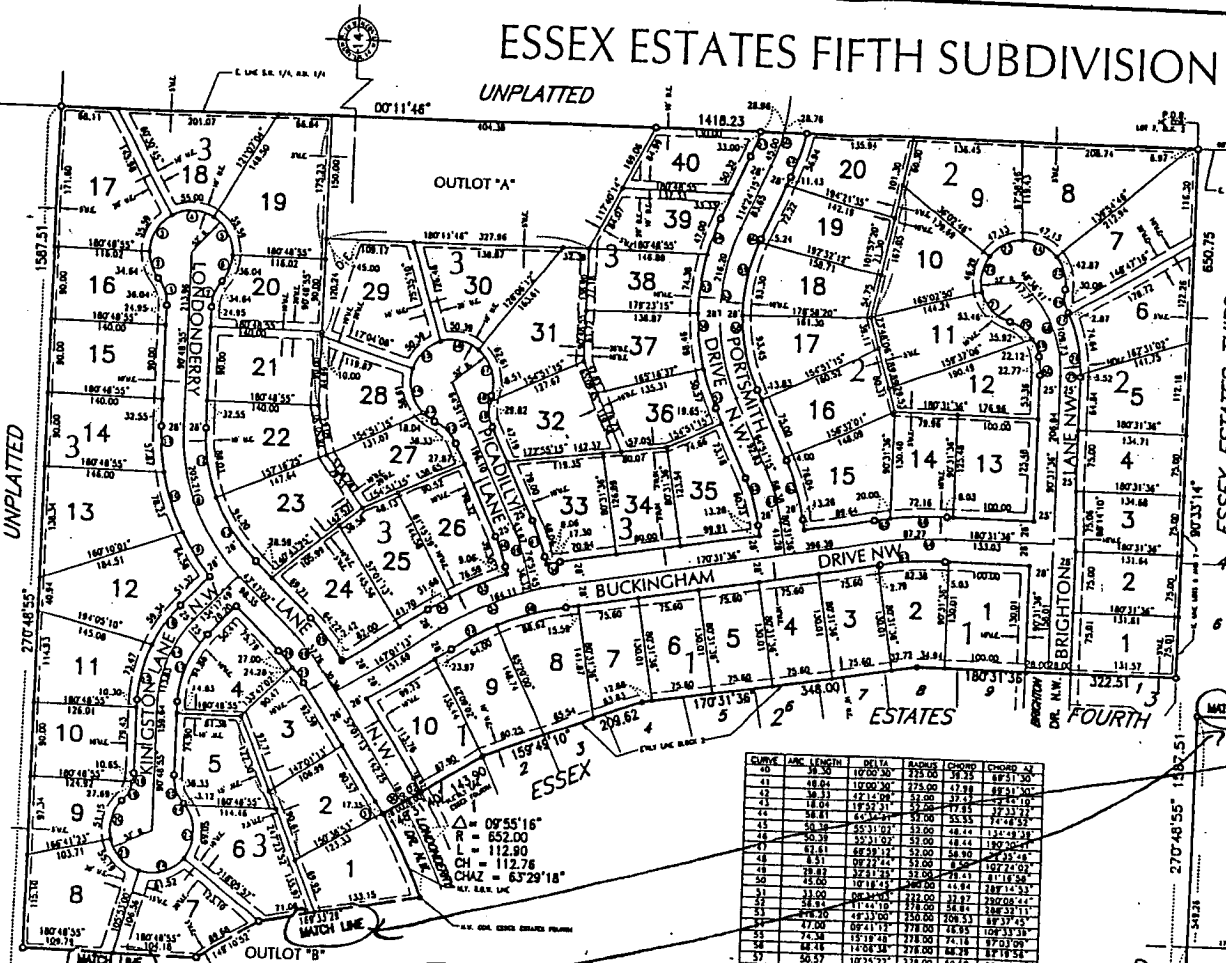
UNREGISTERED
An unregistered instrument for the construction and maintenance of underground and surface drainage facilities and utility easement.

ESSEX ESTATES FIFTH SUBDIVISION



- MONUMENTS**
- SET 1/2" REBARS
 - SET 3/4" IRON PIPES
 - FOUND MONUMENTS (PIPE, ROD, ETC.)
- All monuments set have a plastic cap stamped L.S. 22432

BEARINGS
 Pole bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.



CURVE	ARC LENGTH	DELTA	CHORD	CHORD AZ
1	30.04	99°22'55"	32.00	107°32'28"
2	51.64	99°22'55"	53.00	107°32'28"
3	51.64	99°22'55"	53.00	107°32'28"
4	51.64	99°22'55"	53.00	107°32'28"
5	51.64	99°22'55"	53.00	107°32'28"
6	51.64	99°22'55"	53.00	107°32'28"
7	51.64	99°22'55"	53.00	107°32'28"
8	51.64	99°22'55"	53.00	107°32'28"
9	51.64	99°22'55"	53.00	107°32'28"
10	51.64	99°22'55"	53.00	107°32'28"
11	51.64	99°22'55"	53.00	107°32'28"
12	51.64	99°22'55"	53.00	107°32'28"
13	51.64	99°22'55"	53.00	107°32'28"
14	51.64	99°22'55"	53.00	107°32'28"
15	51.64	99°22'55"	53.00	107°32'28"
16	51.64	99°22'55"	53.00	107°32'28"
17	51.64	99°22'55"	53.00	107°32'28"
18	51.64	99°22'55"	53.00	107°32'28"
19	51.64	99°22'55"	53.00	107°32'28"
20	51.64	99°22'55"	53.00	107°32'28"
21	51.64	99°22'55"	53.00	107°32'28"
22	51.64	99°22'55"	53.00	107°32'28"
23	51.64	99°22'55"	53.00	107°32'28"
24	51.64	99°22'55"	53.00	107°32'28"
25	51.64	99°22'55"	53.00	107°32'28"
26	51.64	99°22'55"	53.00	107°32'28"
27	51.64	99°22'55"	53.00	107°32'28"
28	51.64	99°22'55"	53.00	107°32'28"
29	51.64	99°22'55"	53.00	107°32'28"
30	51.64	99°22'55"	53.00	107°32'28"
31	51.64	99°22'55"	53.00	107°32'28"
32	51.64	99°22'55"	53.00	107°32'28"
33	51.64	99°22'55"	53.00	107°32'28"
34	51.64	99°22'55"	53.00	107°32'28"
35	51.64	99°22'55"	53.00	107°32'28"
36	51.64	99°22'55"	53.00	107°32'28"
37	51.64	99°22'55"	53.00	107°32'28"
38	51.64	99°22'55"	53.00	107°32'28"
39	51.64	99°22'55"	53.00	107°32'28"
40	51.64	99°22'55"	53.00	107°32'28"

CURVE	ARC LENGTH	DELTA	CHORD	CHORD AZ
41	48.04	100°00'30"	52.00	117°32'28"
42	48.04	100°00'30"	52.00	117°32'28"
43	48.04	100°00'30"	52.00	117°32'28"
44	48.04	100°00'30"	52.00	117°32'28"
45	48.04	100°00'30"	52.00	117°32'28"
46	48.04	100°00'30"	52.00	117°32'28"
47	48.04	100°00'30"	52.00	117°32'28"
48	48.04	100°00'30"	52.00	117°32'28"
49	48.04	100°00'30"	52.00	117°32'28"
50	48.04	100°00'30"	52.00	117°32'28"
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69	48.04	100°00'30"	52.00	117°32'28"
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72	48.04	100°00'30"	52.00	117°32'28"
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78	48.04	100°00'30"	52.00	117°32'28"
79	48.04	100°00'30"	52.00	117°32'28"
80	48.04	100°00'30"	52.00	117°32'28"

WANTS TO MAKE
a SF. LOT

UTILITY EASEMENT DEFINED
 An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct surface public utilities, drainage and bracing on said easement.

DRAINAGE EASEMENT DEFINED
 An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

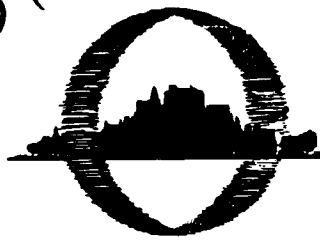
ESSEX ESTATES FIFTH SUBDIVISION

SHEET NO. 2 OF 2

FINAL PLAT APPROVED IN 2000

205

204



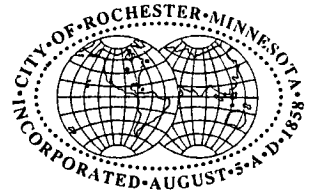
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: October 2, 2003

RE: Final Plat #99-24 to be known as Essex Estates 5th Subdivision.

Planning Department Review:

Applicant/Owner:

North American Realty, Inc.
Attn: Franklin Kottschade
3800 Highway 52 North
Rochester, MN 55901

Surveyors/Engineers:

Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Park and Recreation Department
2. Planning Department – Wetland LGU
3. Planning Department – Addressing
4. RPU Operations Division
5. RPU Water Division
6. Rochester Public Works Department

Report Attachments:

1. Referral Comments (3 Letters)
2. Location Map
3. Copy of Preliminary Plat
4. Copy of Final Plat

Plat Data:

Location of Property:

The property is located east of Essex Parkway NW, north of the Aldrich Memorial Nursery School and the Realife Cooperative.

Zoning:

This property is zoned R-1 (Mixed Single Family) district in the City of Rochester.

Proposed Development:

This development consists of 28.2 acres of land to be subdivided into 71 lots for single family development and 2 outlots.



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Streets:

This plat dedicates right-of-way for six roadways. The first roadway is the continuation of Londonderry Drive NW. The roadway ends as a cul-de-sac. It is designed with a 32' roadway on a 56' right-of-way. The cul-de-sac is also designed with a 52' cul-de-sac bulb radius.

The second roadway is Kingston Lane NW which is a cul-de-sac. This roadway extends off of Londonderry Lane NW. The roadway is designed with a 29' wide surface on a 50' right-of-way. The cul-de-sac is also designed with a 52' cul-de-sac bulb radius.

The third roadway is the continuation of Brighton Drive NW. The roadway ends as a cul-de-sac. It is designed with a 33' wide surface on a 56' right-of-way. The cul-de-sac is designed with a 52' cul-de-sac bulb radius.

The fourth roadway is Buckingham Drive NW, which connects Brighton Lane and Londonderry Lane. It is designed with a 33' wide surface on a 56' right-of-way.

The fifth roadway is Picadilly Lane, which is a cul-de-sac extending east off of Buckingham Drive NW. The roadway is 29' wide surface on a 50' right-of-way. The cul-de-sac is designed with a 52' cul-de-sac bulb radius.

The sixth roadway is Portsmouth Drive NW which extends to the east off of Buckingham Lane NW. This roadway will stop currently at the property boundary but will continue to the east when the property is developed. The roadway is 33' wide surface on a 56' right-of-way.

Sidewalks:

In accordance with current City policy, sidewalk is required along both sides of all roadways.

Drainage:

The elevations of this site range from 990' in the northwest corner of the plat to 1,020' in the southern portion of the plat. The plat is designed to convey storm water to the detention pond located in the outlots.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. The maps do not indicate the presence of wetlands on this property.

Public Utilities:

Water and sewer have been extended from an existing line in Cornwall Drive NW. A 10-foot utility easement is shown on the front of each lot on the

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plat.

Spillover Parking:

The spillover parking requirements for this development would be 84 parking spaces. The proposed roadways should be adequate to accommodate the required spillover spaces.

Parkland Dedication:

There is no parkland located within this plat. Parkland dedication for this area was met in a 1990 agreement between the City and North American Realty.

General Development Plan:

The land involved in this preliminary plat was part of the concept plan for a Planned Unit Development approved by the council on July 16, 1990. The final plat is generally consistent with the preliminary plat approved for the area.

Preliminary Plat:

A preliminary plat for this property was approved by the City Council on July 19, 1999 with the following conditions:

1. *The preliminary plat be revised to loop the Londonderry and Buckingham cul-de-sacs roads together.*
2. *The applicant dedicates Outlot B to the City of Rochester.*
3. *The storm water management plan for this property needs to address the impacts on the downstream residents. Any ponds serving less than 50 developable acres are considered private and will need ownership and maintenance agreements.*
4. *The roadway names "Buckingham Lane NW" and "Brighton Lane NW" be changed to "Buckingham Place NW" and "Brighton Drive NW".*
5. *The Rochester Public Utilities Water Division approves the needed locations for utility easements for water main extensions and water main looping.*
6. *The fire hydrant locations on the cul-de-sac be located closer to the 3 o'clock and 9 o'clock positions to ensure that they are not obstructed by snow removal piles.*

Planning Staff and Recommendation:

The final plat for Essex Estates Fifth Subdivision was approved on May 1, 2000 with the 5 conditions.

1. *Prior to the recording of the final plat documents, a Stormwater Maintenance and Ownership Agreement must be executed by the Owner for the stormwater facilities proposed on Outlot A. A drainage easement be provided over Outlots A & B.*
2. *The applicant dedicates Outlot B to the City of Rochester.*

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3. ***An easement for a temporary turn-around at the easterly end of Portsmouth Drive NW must be executed with the City Public Works Department prior to the recording of the final plat documents.***
4. ***Prior to the recording of the final plat documents, the grading and drainage plan must be approved by the City of Rochester Public Works Department.***
5. ***The roadway names be revised as follows:***
 - ***Add the directional of NW to Picadilly Lane.***
 - ***Reposition text on the plat to illustrate Brighton Lane NW east of Buckingham Drive NW, and Brighton Drive NW west of Buckingham Drive NW.***
 - ***Reposition text on the plat to illustrate Londonderry Lane NW east of Buckingham Drive NW, and Londonderry Drive NW west of Buckingham Drive NW.***

The final plat documents were never recorded however the infrastructure has been completed. In the approved final plat Outlot B has frontage on Londonderry Drive NW. There is a stormwater management pond located on this Outlot which was required to be dedicated to the City. Its dedication has not occurred yet because the plat was never recorded. The applicant is now proposing to split Outlot B to create an additional single family lot fronting Londonderry Drive NW. Since the final plat was never recorded, the applicant was advised to file a revised final plat to be brought back to the City Council. In discussions with the City Park and Recreation Department, the applicant was informed that the park department would want access to the to the park (located to the north of the proposed subdivision) from this subdivision through Outlot B on the previously approved plat. In addition to park access, access for maintenance of the pond is needed. The proposed revised final plat doesn't provide either of the requested items from the City. The plat does have a 30' drainage easement that leads to Outlot B.

Current City policy is to have pedestrian connections and/or maintenance access to stormwater management ponds on a 30 foot wide Outlot. The reason why an Outlot is desirable is for setback and ownership purposes. By having an Outlot instead of an easement, setbacks for buildings are measure from the property boundary of the Outlot and don't include the easement area, which would be counted towards the setback if it were not an Outlot. If a trail is constructed on an easement the trail typically gets fairly close to the dwelling and there could be a lost sense of privacy for residents who live in the dwelling next to the trail. An example of where a public trail is close to a dwelling is the trail located just to the west of the townhomes constructed on north side of 48th Street NW and east of 13th Avenue NW.

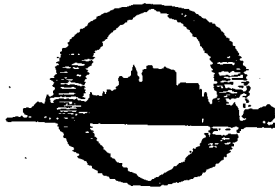
The Planning Staff has reviewed the submitted final plat and finds that it is generally consistent with the approved preliminary plat and previously approved final plat with the exception of Outlot B not having frontage on Londonderry Drive NE. The staff would then recommend approval subject to the following conditions:

1. **The owner shall pay all outstanding development related charges for SAC, WAC, Stormwater Management, etc., prior to the recording of the final plat documents.**
2. **The owner shall execute and provide a warranty deed to the City that will transfer Ownership of Outlots A and B, prior to the recording of the final plat documents.**
3. **The final plat shall be revised to provide a 30 foot wide Outlot to Outlot B. The 30 foot wide Outlot shall have frontage on Londonderry Drive NE. The City Public Works Department and the City Park and Recreation Department shall approve of the location of the Outlot.**

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Page 5
Essex Estates 5th Subdivision
October 2, 2003

4. **A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 26, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.**
5. **The roadway named Kingston Lane NW shall be renamed with a name approved by the GIS/Addressing Staff. The proposed named Kingston Lane is in conflict with the roadway named Kinston Place NW found in Kingsbury Hills Subdivision.**



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: September 26, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald;

RE: **ESSEX ESTATES FIFTH
FINAL PLAT #99-24**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$1420.00 (71 LOTS/ADDRESSES)

GIS IMPACT FEE: \$ 565.00 (73 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. The roadway named KINGSTON LANE NW is in conflict with the roadway KINSTON PLACE NW found in Kingsbury Hills Subdivision.

RECOMMENDATION: Rename the roadway, but keep the roadway type Lane and the directional of NW.

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ROCHESTER PARK AND RECREATION DEPARTMENT

MEMORANDUM

September 26, 2003

To: Jennifer Garness
Planning

RE: Essex Estates 5th
Final Plat #99-24

Acreage	28.2 acres
Number of Dwelling Units	71 units
Dwelling Unit Density	2.52 units/acre
Density Factor10
Dedication Requirement	2.82 acres

The parkland dedication requirements for this plat have been met via the September 20, 1990 agreement between the City and North American Realty. This agreement included the dedication of 7.0 acres of land to the City by the applicant.

The applicant has contacted the Park Department regarding the need to grade 30' of park property adjacent to Lots 13-17 Block 3 in order to provide a better property line transition. The grading of park property will be permitted via temporary obstruction permit issued by the park department.

The GDP indicates that Outlot B should extend to Londonberry Drive. There should be a minimum 30' access of Outlot B to Londonberry Drive. This dedicated access to provide pedestrian / trail access to Essex Park as well as maintenance access to the stormwater ponds to be located on Outlot B. Public access to Essex Park cannot occur on the 30' UE as shown.

Applicant:
North American Realty
3800 Highway 52 North

ROCHESTER

— Minnesota —

213

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 09/30/03

The Department of Public Works has reviewed the application for Final Plat #99-24 for Essex Estates Fifth Subdivision. The following are Public Works comments on this request:

1. A City-Owner Contract has been executed for this Property.
2. The Owner shall pay all Outstanding development related charges for SAC, WAC, Stormwater Management, etc., prior to recording the final plat for this Property.
3. The Owner shall execute and provide a warranty deed to the City that will transfer Ownership of Outlots 'A' & 'B', prior to recorded the Final Plat. The City will then record the deed(s) once the plat has been recorded.
4. As presently described on the Plat the easement from Londonberry Lane NW does not provide access for general maintenance of Outlot 'B'. Access to Outlot 'B' from Londonberry Ln NW shall be dedicated on the Final Plat.

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10-6-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-11
ITEM DESCRIPTION: Final Plat #02-21 to be known as Stonebridge		PREPARED BY: Brent Svenby, Planner

September 30, 2003

Planning Department Review:

See attached staff report dated September 30, 2003 recommending approval subject to the following conditions:

- 1. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 26, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
- 2. Parkland dedication shall be in the form of cash in lieu of land in the amount of \$19,090 with payment due prior to recording the final plat documents, per the September 19, 2003 memorandum from Rochester Park and Recreation.*
- 3. A paved right-turn lane and by-pass lane shall be provided from County Road 109, per the requirements of the County Engineer. The applicant is responsible for the cost and construction of the lanes.*
- 4. Outlot B shall be dedicated to the City Rochester after the mid-block pedestrian connection is constructed.*
- 5. The final plat documents shall be revised to dedicate a 10 foot drainage easement along the south side of Lot 11, Block 5 and along the north side of Lots 8 and 10, Block 5 as shown on the grading plan.*
- 6. The final plat documents shall be revised changing the roadway designation from 38 Avenue SE (County Road 109) to 36 Avenue SE (County Road 109).*
- 7. No Parking shall be allowed and "No Parking" signs shall be posted along one side of Bridgeview Lane SE.*

Council Action Needed:

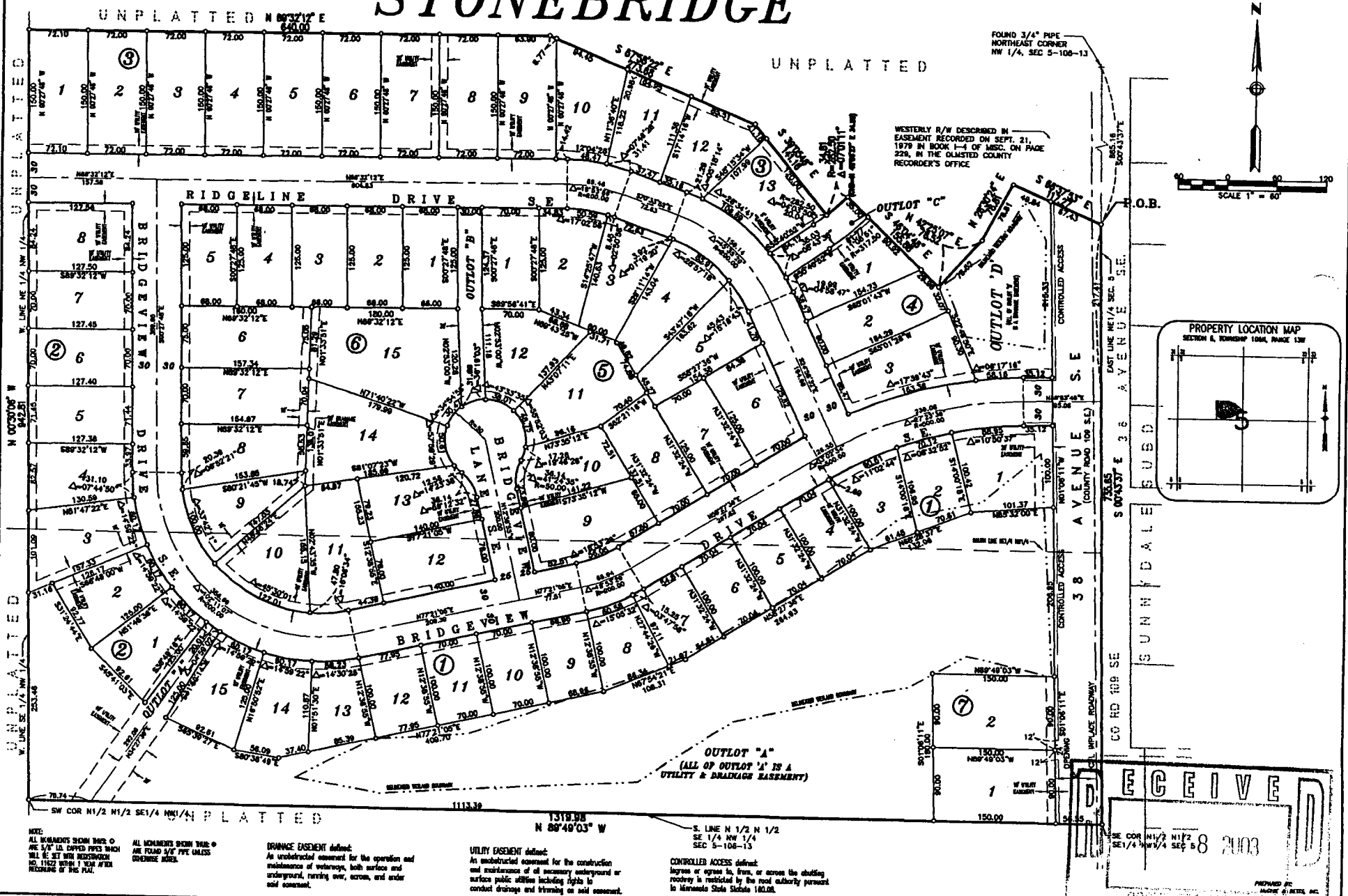
- 1. A resolution approving the plat can be adopted.**

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

STONEBRIDGE



STONEBRIDGE

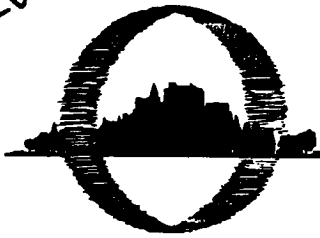
SHEET 2 OF 2 SHEETS

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: September 30, 2003

RE: Final Plat #02-21 to be known as Stonebridge.

Planning Department Review:

Applicant/Owner: Exemplar, Inc., Money Purchase Pension Plan
7420 Unity Avenue North, Suite 310E
Brooklyn Park, MN 55443

Surveyors/Engineers: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Referral Comments: Rochester Public Works Department
RPU – Water Division
RPU – Operations
Planning Department – GIS Division
Planning Department - Wetlands
MnDOT
Park and Recreation
Fire Department

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Referral Comments (5 letters)

Development Review:

Location of Property: The property is located along the west side 36th Avenue SE (County Road 109) and south of College View Road (County Rd. 9).

Zoning: The property is zoned R-1 (Mixed Single Family) with the exception of Lots 10-12, Block 3 and Block 4 which are zoned R-2 (Low Density Residential) district on the zoning map.

Proposed Development: This development consists of 26.37 acres of land to be subdivided into 68 lots for single family residential use and 4 outlots.

Roadways: The first roadway labeled as "Bridgeview Drive SE" has a 60' wide right-of-way with a driving surface of 36' wide and intersects into County Road 109 to the east.

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

The second roadway is a cul-de-sac labeled "Bridgeview Lane SE" has a 50' wide right-of-way with a driving surface of 29' wide and intersects with "Bridgeview Drive SE" to the south. The third roadway is labeled "Ridgeview Drive SE" has a 60' wide right-of-way with a driving surface of 36' wide driving surface.

Two lots are proposed with direct access to County Road 109. The Olmsted County Public Works Department has approved the public street and driveway access permit to County Road 109. Lot 1 and 2, Block 7 will need to have a shared driveway access to County Road 109.

A right turn lane and by-pass lane will be required to be constructed by the applicant at the public road access to County Road 109.

Pedestrian Facilities:

A Development Agreement has been executed for this property, which addresses the requirements for pedestrian facilities. Sidewalks will be required along all public roadways and a 10' wide bituminous path along County Road 109.

Drainage:

Grading and Drainage Plans have been approved for the subdivision.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. The applicant has received approval of a Replacement Plan for the wetlands that are being filled on the property.

Public Utilities:

Final utility plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 80 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

There is no parkland included within the boundaries of this plat. The Rochester Park and Recreation Department recommends that cash in lieu of land to satisfy the parkland dedication requirements of 1.66 acres for this plat.

Outlot B provides a mid-block pedestrian connection.

General Development Plan:

This property is included within the Stonebridge General Development Plan (GDP).

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Preliminary Plat Staff Review and Recommendation:

The Council approved a preliminary plat on April 21, 2003 for this property. The approval of the preliminary plat was subject to seven (7) conditions: The conditions are listed below:

1. Prior to the submittal of the final plat, the applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, controlled access and extension of utilities for adjacent properties and contribution for public infrastructure.
2. The applicant agrees that this subdivision will have an impact on the need for Parkland and that the cash in lieu of the land will satisfy parkland dedication requirements.
3. The Owner has requested to participate in the City's Storm Water Management Plan and pay a storm water management fee for the benefit of participation in the City's SWMP. The Owner is still obligated to provide temporary on-site sedimentation control during development of the Property. Specific obligations will be addressed in the Development Agreement.
4. Outlot B shall be dedicated to the City Rochester after the mid-block pedestrian connection is constructed.
5. A paved right-turn lane and by-pass lane shall be provided from County Road 109, per the requirements of the County Engineer. The applicant is responsible for the cost and construction of the lanes.
6. Prior to the submittal of the final plat the applicant shall submit a wetland delineation and replacement plan to the LGU for review and approval. If the replacement plan is not approved by the LGU, the plat shall be revised to avoid disturbance of the wetlands.
7. If maintenance and ownership of Outlots A, C & D is not addressed in the Development Agreement for this property, the Owner is required to execute a separate Maintenance and Ownership Agreement for said outlots, prior to final plat approval.

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

1. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 26, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***
2. ***Parkland dedication shall be in the form of cash in lieu of land in the amount of \$19,090 with payment due prior to recording the final plat documents, per the September 19, 2003 memorandum from Rochester Park and Recreation.***

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3. *A paved right-turn lane and by-pass lane shall be provided from County Road 109, per the requirements of the County Engineer. The applicant is responsible for the cost and construction of the lanes.*
4. *Outlot B shall be dedicated to the City Rochester after the mid-block pedestrian connection is constructed.*
5. *The final plat documents shall be revised to dedicate a 10 foot drainage easement along the south side of Lot 11, Block 5 and along the north side of Lots 8 and 10, Block 5 as shown on the grading plan.*
6. *The final plat documents shall be revised changing the roadway designation from 38 Avenue SE (County Road 109) to 36 Avenue SE (County Road 109).*
7. *No Parking shall be allowed and "No Parking" signs shall be posted along one side of Bridgeview Lane SE.*

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

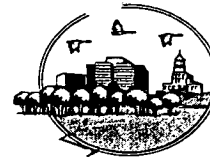
DATE: 9/29/03

The Department of Public Works has reviewed the application for Final Plat #02-21, for Stonebridge. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. A City-Owner Contract has been executed by the Owner and will be scheduled for Council approval on 10/6/03.
3. The mid-block pedestrian connection shown as Outlot 'B', should be dedicated to the City.
4. A Sanitary Sewer connection charge will be apply to the frontage of proposed Lots 1 & 2, Block 7, in addition to the previous connection charge estimate for J9793 since no direct connection to the sanitary sewer in Cnty 109 was anticipated for this property.

Development charges/fees applicable to this property are addressed in the Development Agreement and City-Owner Contract, with the exception of:

- ❖ The Sanitary Sewer Connection Charge for Lots 1 & 2, Block 7 is included in the City-Owner Contract, but inadvertently omitted that the charge specified is for each lot. The charges invoiced for Stonebridge will include the additional 80 feet of sanitary sewer connection charge which is applicable to this Property for Lots 1 & 2, Block 7.



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: September 26, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Dave Morrill

**RE: STONEBRIDGE
FINAL PLAT #02-21**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$1360.00 (68 LOTS/ADDRESSES)

GIS IMPACT FEE: \$560.00 (72 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. The roadway on this plat illustrated as 38 AVENUE SE (COUNTY ROAD 109 SE) is still wrong and needs to be corrected.

RECOMMENDATION: Change roadway designation to read 36 AVENUE SE (COUNTY ROAD 109).

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: September 19, 2003

TO: Jennifer Garness
Planning

RE: Stonebridge 1st
Final Plat # 02-21

Acreage of plat.....	26.37
Number of dwelling units.....	68 units
Density factor.....	.0244
Dedication	1.66 a
Fair market value of land.....	\$11,500 / a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$19,090 (1.66 a X \$11.500 /a) with payment due prior to recordation of the final plat.

Applicant:
Exemplar
7420 Unity Ave N , Suite 310
Brooklyn Park MN 55443

SEP 25

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Request for Comments on FP #02-21 Stonebridge

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☒ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

226



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: September 29, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #02-21 to be known as Stonebirdge by Exemplar, Inc Money Purchase Pension Plan. The Plat proposes to subdivide approximately 26.37 acres of land into 68 lots for single family development and 4 outlots.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Exemplar, Inc., Money Purchase Pension Plan
McGhie & Betts, Inc,

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10-06-03

227

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-12
ITEM DESCRIPTION: Final Plat #02-28 by Denny Peterson to be known as Pine Ridge Estates Fifth Subdivision. The Plat proposes to subdivide approximately 20.98 acres of land into 37 lots for single family detached dwellings and 1 outlot for a future park. The plat also dedicates the right-of-way for new public roadways. The property is located east and north of Ponderosa Drive SW and allows for the continuation of Red Pine Avenue SW.		PREPARED BY: Theresa Fogarty, Planner

October 1, 2003

Planning Department Review:

See attached staff report dated October 1, 2003, recommending approval subject to the following conditions:

1. *Prior to recording, the final plat shall be revised, as follows:*
 - a. *Rename the roadway labeled Monterey Drive SW to "Monterey Street SW".*
 - b. *Change the portion of Red Pine Avenue SW north of the intersection with Redwood Lane SW to "Red Pine Lane SW".*
 - c. *Rename Woodcrest Lane SW to "Ponderosa Place SW".*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Parkland dedication shall be met as outlined in the September 18, 2003 memorandum from Rochester Park and Recreation Department.*
4. *The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.*
5. *Prior to the issuance of building permits for any lots within this plat, the secondary access to serve the development shall be constructed and approved by the City Engineer, as stated in the executed Development Agreement.*

Council Action Needed:

1. **If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.**

Attachments:

1. Staff report, dated, October 1, 2003.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

228

WOODCREST

WOODCREST LN SW

LN SW

PONDEROSA
PONDEROSA DR SW
DR SW

Final Plat #02-28
Pine Ridge Estates 5
500' Notification Distance
Ward 1 Hanson
09/16/03

PONDEROSA
PONDEROSA DR SW
DR SW

MONTEREY
MONTEREY LN SW
LN SW

RED PINE
RED PINE AVE SW
AVE SW

LENOX CT SW

LENOX CT SW

28 ST SW

28 ST SW

BRIAR
BRIAR CT SW
CT SW

14 AVE SW

MAR CT SW

LAMAR CT SW

EDGEWOOD CT SW

WESTCHESTER
WESTCHESTER CT SW

ORCHAR
CT SW

HIGH
MEAD

BROOK LN SW

BROOK LN SW

18 AVE SW

18 AVE SW

MERRIHILLS DR SW

225



- MONUMENTS**
- Set 1/2" Rebars
 - Set 3/4" Iron Pipes
 - Found Monuments (Pipes, Rod, Etc.)

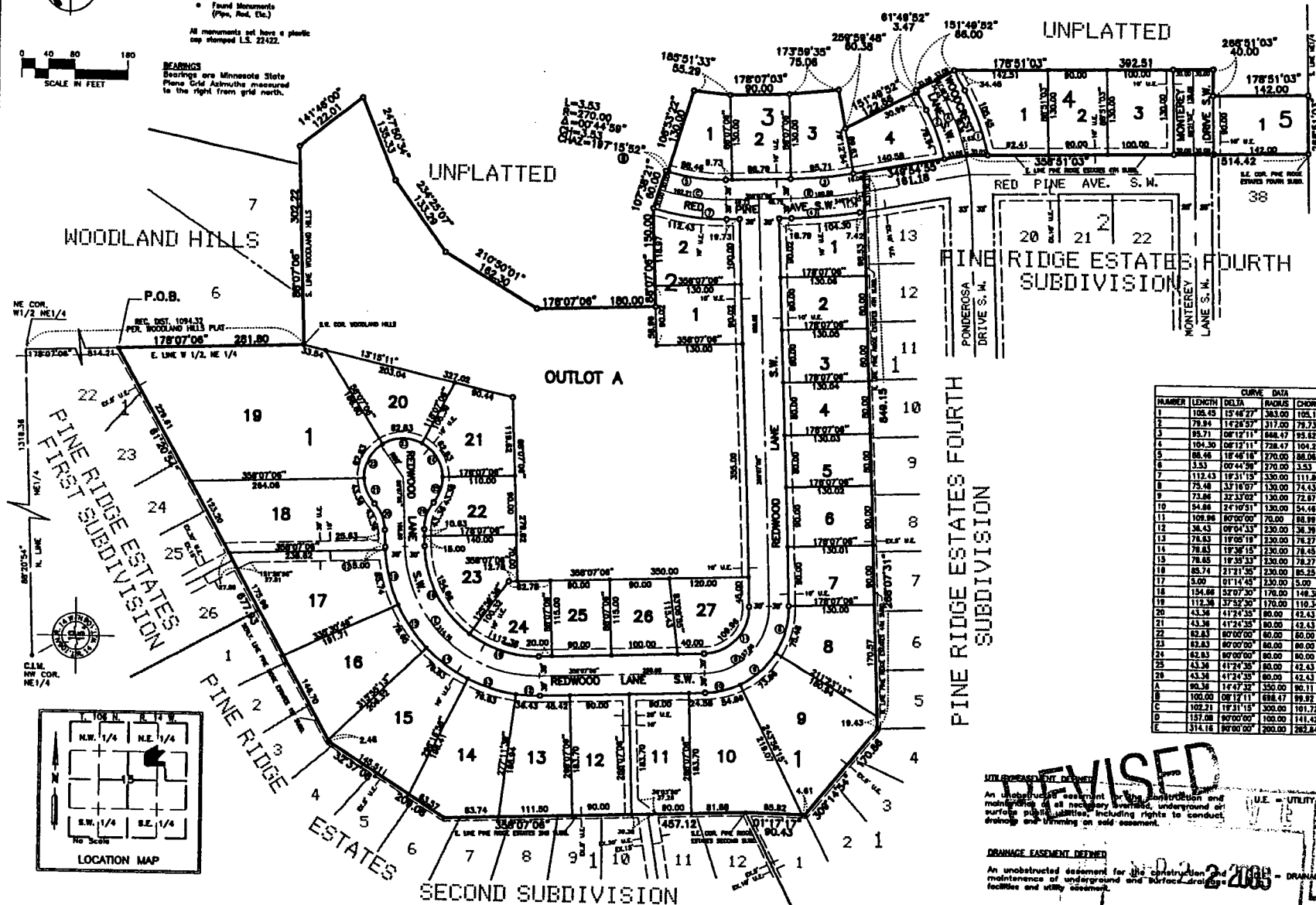
All monuments set have a plastic cap stamped L.S. 22422.

BEARINGS
Bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

PINE RIDGE ESTATES FIFTH SUBDIVISION



YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
222 THIRD AVENUE, SUITE 200
MINNEAPOLIS, MINN. 55401
TEL: 612-338-8800
FAX: 612-338-8800
WWW.YCASSOCIATES.COM



NUMBER	LENGTH	DELTA	RADIUS	CHORD	CHORD
1	126.15	15°46'27"	383.00	105.11	89°43'05"
2	75.84	1°22'57"	317.00	79.33	86°03'20"
3	25.71	0°12'11"	868.47	85.42	35°47'00"
4	104.30	0°12'11"	728.47	104.21	35°47'00"
5	86.46	1°46'18"	270.00	88.06	87°30'14"
6	3.53	0°44'36"	270.00	3.53	197°15'32"
7	112.43	1°31'15"	330.00	111.89	187°52'43"
8	75.48	3°18'57"	130.00	74.43	284°45'05"
9	73.86	32°13'02"	130.00	72.87	317°38'44"
10	54.86	2°19'51"	130.00	54.16	346°01'41"
11	109.86	8°02'00"	70.00	88.99	133°07'06"
12	36.43	0°04'33"	230.00	36.39	02°39'23"
13	75.63	1°00'19"	230.00	75.27	1°44'18"
14	75.63	1°36'15"	230.00	75.45	36°08'06"
15	75.63	1°19'33"	230.00	75.27	35°43'00"
16	85.74	21°21'36"	230.00	85.15	76°11'33"
17	5.00	0°14'45"	230.00	5.00	87°29'43"
18	154.86	52°07'30"	170.00	146.38	82°03'21"
19	112.36	37°52'30"	170.00	110.34	17°03'21"
20	43.36	41°24'35"	80.00	42.43	87°24'49"
21	43.36	41°24'35"	80.00	42.43	87°24'49"
22	43.36	80°00'00"	80.00	80.00	118°07'08"
23	43.36	80°00'00"	80.00	80.00	178°07'06"
24	43.36	80°00'00"	80.00	80.00	238°07'06"
25	43.36	41°24'35"	80.00	42.43	288°49'23"
26	43.36	41°24'35"	80.00	42.43	288°49'23"
A	66.36	1°47'22"	350.00	66.11	24°13'36"
B	102.00	0°17'11"	688.47	99.82	35°47'00"
C	102.21	1°31'15"	326.47	101.72	07°25'43"
D	157.08	8°02'00"	100.00	141.42	313°07'06"
E	314.18	8°02'00"	200.00	282.84	43°07'06"

UTILITIES EASEMENT DEFINED
An unobstructed easement for the construction and maintenance of all necessary overhead, underground and surface public utilities, including rights to conduct drainage and farming on said easement.

DRAINAGE EASEMENT DEFINED
An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

PINE RIDGE ESTATES FIFTH SUBDIVISION

PLANNING DEPARTMENT
SHEET NO. 2 OF 2

230
2265 Ponderosa Drive SW
Rochester, MN 55902-1109
September 29, 2003

Mr. Brent Svenby
Rochester/Olmsted Consolidate Planning Department
2112 Campus Drive SE
Rochester, MN 55904

Re: Final Plat #02-28 by Denny Peterson – Pine Ridge Estates 5th Subd.

Dear Mr. Svenby:

I recently received a notice in the mail from the City Clerk regarding this matter. I would like to make my concerns known to you. I will also forward a copy of this letter to Councilmember Hanson.

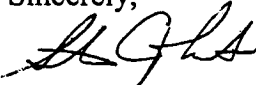
I have no outright objections to Mr. Peterson's plan. I support the general development plan. I reside in the neighborhood. **My only request is that Mr. Peterson be required to complete the paving of the other areas of the development** before final approval is given for additional work.

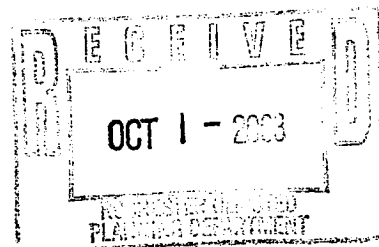
I purchased a lot in Pine Ridge Estates 2nd subdivision about five years ago. The street in front of my home still does not have the final layer of asphalt applied. This causes problems with snow removal in the winter. The manhole covers stick up about 1½ inches above the surrounding pavement. When the city plows come through they hit these covers. I have found pieces of the leading edge of the plow blade laying on the boulevard. This cannot be a pleasant experience for the plow driver and must cause some repair expense for the city. Last year there was some apparent attempt to mitigate this by putting hot mix asphalt around these covers and tapering the edge out a few feet in every direction from the covers. This only resulted in the plow blades shaving this asphalt off the roadway and showering the boulevards with asphalt. These chunks of debris damaged my snow blower on two occasions while clearing my driveway. I do not blame the City for this damage.

The lack of the final layer of asphalt also makes it somewhat unpleasant to drive down the street. You have to drive around the various covers and there is a rather unpleasant bump in the vicinity of 2242 Ponderosa Drive SW.

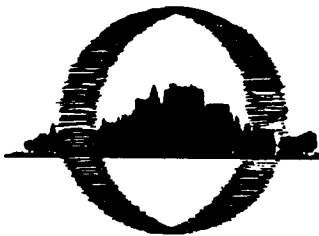
I wish Mr. Peterson well in the continued development of the area but I believe he should finish his previous projects first.

Thank you for your consideration.

Sincerely,

Steven Johnston



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: October 1, 2003

RE: Final Plat #02-28 by Denny Peterson to be known as Pine Ridge Estates Fifth Subdivision. The Plat proposes to subdivide approximately 20.98 acres of land into 37 lots for single family detached dwellings and 1 outlot for a future park. The plat also dedicates the right-of-way for new public roadways. The property is located east and north of Ponderosa Drive SW and allows for the continuation of Red Pine Avenue SW.

Planning Department Review:

Applicant/Owner: Denny Peterson
11010 County Road 15
Plymouth, MN 55441

Surveyors/Engineers: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments: Rochester Public Works Department
Rochester Park & Recreation Department
Planning Department – GIS Division

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Referral Comments (3 letters)

Development Review:

Location of Property: The property is located east and north of Ponderosa Drive SW and allows for the continuation of Red Pine Avenue SW.

Zoning: The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development: This development consists of combining the preliminary plats of Pine Ridge Estates 5th and Pine Ridge Estates 6th totaling approximately 20.09 acres of land to be subdivided into 37 lots for single family development and one outlot.



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Roadways:

This plat proposes to dedicate right-of-way for the continuation of one roadway and three new roadway.

The first roadway labeled "Redwood Lane SW" is designed with a 60' right-of-way.

The second roadway labeled "Red Pine Avenue SW" is a continuation from the south and is designed with a 60' right-of-way. The roadway type for Red Pine Avenue SW north of the intersection with Redwood Lane SW needs to be changed. Change that portion of Red Pine Avenue SW to "Red Pine Lane SW".

The third roadway labeled as "Woodcrest Lane SW" is designed with a 66' right-of-way. This roadway needs to be changed as it is likely the roadway will not connect to the existing Woodcrest Lane SW further to the north in Woodland Hills Subdivision. Change the roadway within this plat to "Ponderosa Place SW"

The fourth roadway labeled as "Monterey Drive SW" is designed with a 60' right-of-way. This is an incorrect roadway type. Change Monterey Drive SW to "Monterey Street SW".

Pedestrian Facilities:

A Development Agreement has been executed for this property, which addresses the requirements for pedestrian facilities.

Drainage:

Grading and Drainage Plans for Pine Ridge Estates 5th Subdivision and Pine Ridge Estates 6th Subdivision have been approved.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. The site was studied for wetlands and no wetlands were found.

Public Utilities:

Final utility plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 45 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Land dedication with the land to be dedicated being Outlot A Pine Ridge Estates 5th. Credits estimated to be .71 acres will be established for the excess dedication currently not due at this time. The applicant has deferred dedication in the amount of .25 acres from the May 1999 approval of Pine Ridge Estates 4th that will be met via the dedication of the 5.13 acre park outlot.

The applicant has requested an exchange of property with the City (park property) so that the road to be known as Norway Lane SW will better fit the site topography. The Park Department has approved the somewhat minor exchange of land. There is to be no net loss in useable park land as a result of the exchange. The exchange of property will occur after the final platting of the plat.

General Development Plan:

This property is included within the Pine Ridge Estates General Development Plan (GDP).

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for Pine Ridge Estates 5th Subdivision was approved by the Council on July 15, 2002. The approval of the preliminary plat was subject to ten (10) conditions: The conditions are listed below:

1. ***The Plat shall be revised:***
 - a. ***Renaming the roadway labeled "Norway Lane SW", keeping "Lane" and the directional of "SW".***
 - b. ***Identifying all easements intended to contain storm sewer as Drainage & Utility Easements.***
 - c. ***Modifying the proposed easements located between Lots 11 & 12, Block 1, and between Lots 17 & 18, Block 1 to extend at a minimum 10 feet on either side of the proposed storm pipe.***
2. ***Pedestrian facilities are required, at the expense of the developer, along both sides of all new public roadways including along the road frontage of Outlot A..***
3. ***Dedication of parkland and the exchange of parkland shall be handled in the form outlined in the June 19, 2002 Memorandum from the Rochester Park and Recreation Department.***
4. ***Secondary access to this development must be provided prior to Final Plat approval for all of the 27 lots proposed within this development, consistent with Section 64.127 of the LDM.***

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Page 4
Final Plat #02-28
Pine Ridge Estates 5th Subdivision
10/1/2003

5. ***Storm Water Management shall be required and a Storm Water Management charge for participation in the City's Storm Water Management Plan shall apply for the development of this property.***
6. ***The developer shall provide water services sized as 1 ½" to minimize pressure losses during higher demand times and shall take into account the design of the interior plumbing systems for each home.***
7. ***Street grades shall be lowered to below elevation 1212 (the same highpoint elevation as Pine Ridge Estates Fourth Subdivision, to the south) providing static pressure at the minimum elevation allowed by the MN Department of Health.***
8. ***The Owner shall incorporate noise abatement designs into the buildings constructed within this development, in compliance with State and/or Federal Noise Abatement Regulations, and waive its right to request future government provision of any noise abatement related to T.H. 52.***
9. ***The Developer shall enter into a Development Agreement with the City of Rochester that outlines the obligations of the applicant relating, but not limited to; Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities to adjacent properties, and contributions for public infrastructure, as well as timing for required payment of all development related charges.***
10. ***The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.***

A preliminary plat for Pine Ridge Estates 6th Subdivision was approved by the Council on October 7, 2002. The approval of the preliminary plat was subject to nine (9) conditions: The conditions are listed below:

1. ***The Plat shall be revised:***
 - a. ***Renaming the roadway labeled "Monterey Drive SW" to "Monterey Street SW".***
2. ***Pedestrian facilities are required, at the expense of the developer, along both sides of the entire front of all new public roadways including along the road frontage of Outlot A..***
3. ***Dedication of parkland shall be handled in the form outlined in the August 22, 2002 Memorandum from the Rochester Park and Recreation Department.***
4. ***Secondary access to this development must be provided prior to Final Plat approval for all of the 10 lots proposed within this development, consistent with Section 64.127 of the LDM.***
5. ***Storm Water Management shall be required and a Storm Water Management charge for participation in the City's Storm Water Management Plan shall apply for the development of this property. In addition to contribution for Storm Water Management, the Owner shall provide permanent erosion control features downstream of this site.***

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6. *The developer shall provide water services sized as 1 ½" to minimize pressure losses during higher demand times and shall take into account the design of the interior plumbing systems for each home.*
7. *Street grades shall be lowered to below elevation 1211 (the same highpoint elevation as the previous subdivision to the west) providing static pressure at the minimum elevation allowed by the MN Department of Health.*
8. *The Owner shall incorporate noise abatement designs into the buildings constructed within this development, in compliance with State and/or Federal Noise Abatement Regulations, and waive its right to request future government provision of any noise abatement related to T.H. 63. The Owner shall execute a Noise / Air Space Easement prepared by the City of Rochester.*
9. *The Developer shall enter into a Development Agreement with the City of Rochester that outlines the obligations of the applicant relating, but not limited to; Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities to adjacent properties, and contributions for public infrastructure, as well as timing for required payment of all development related charges.*

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

1. *Prior to recording, the final plat shall be revised, as follows:*
 - a. *Rename the roadway labeled Monterey Drive SW to "Monterey Street SW".*
 - b. *Change the portion of Red Pine Avenue SW north of the intersection with Redwood Lane SW to "Red Pine Lane SW".*
 - c. *Rename Woodcrest Lane SW to "Ponderosa Place SW".*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Parkland dedication shall be met as outlined in the September 18, 2003 memorandum from Rochester Park and Recreation Department.*
4. *The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.*
5. *Prior to the issuance of building permits for any lots within this plat, the secondary access to serve the development shall be constructed and approved by the City Engineer, as stated in the executed Development Agreement.*

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 09/29/03

The Department of Public Works has reviewed the **REVISED** application for Final Plat #02-28 for the Pine Ridge Estates Fifth Subdivision (including the area originally identified on the Pine Ridge Estates 6th Preliminary Plat). The following are Public Works comments on this request from 9/18/03. **Public Works has no new comments based on the revised plat submitted 9/22/03:**

1. A Development Agreement has been executed for this Property.
2. A City-Owner Contract has been executed for this Property.
3. The Substantial Land Alteration permit that will be required for the proposed grading of this property will require a restoration surety in a form and an amount approved by the City Engineer.

Charges/fees applicable to the development of this property have been addressed in the City-Owner Contract & Development Agreement. The City acknowledges payment of development charges for SAC, J8729 WAC, Substandard Street Reconstruction, Storm Water Management, First Seal Coat, and Street Signage. The following additional development charges as specified in the Development Agreement and shall be paid by the Owner subject to the terms of the Agreement:

- ❖ Bamberwood Transportation Improvement District
- ❖ Contribution for Pedestrian Facilities along 18th Ave as specified in the Development = \$5,028.35 (charge due prior to recording Final Plat)

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: September 18, 2003
TO: Jennifer Garness
Planning
RE: Pine Ridge Estates 5th
Preliminary Plat #02-28 ****REVISED****

Acreage of plat.....	20.98 acres
Number of dwelling units.....	37 units
Density factor.....	.0244
Dedication90 acres
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Land dedication with the land to be dedicated being Outlot A Pine Ridge Estates 5th. Credits estimated to be .71 acres will be established for the excess dedication currently not due at this time . The applicant has deferred dedication in the amount of .25 acres from the May 1999 approval of Pine Ridge Estates 4th that will be met via the dedication of the 5.13 acre park outlot.

The applicant has requested an exchange of property with the City (park property) so that the road to be known as Norway Lane SW will better fit the site topography. Park Department staff has approved the somewhat minor exchange of land. There is to be no net loss in useable park land as a result of the exchange. The exchange of property will occur after the final platting of the plat.

SEP 25

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COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: September 25, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Bill Anderson

**RE: PINE RIDGE ESTATES FIFTH
FINAL PLAT #02-28**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$760.00 (38 LOTS/ADDRESSES)

GIS IMPACT FEE: \$390.00 (38 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Monterey Drive SW is using an incorrect roadway type.

RECOMMENDATION: Change Monterey Drive SW to **MONTEREY STREET SW**.

2. Red Pine Avenue north of its intersection with Redwood Lane SW also needs the roadway type changed.

RECOMMENDATION: Change that portion of Red Pine Ave SW to **RED PINE LANE SW**.

3. Woodcrest Lane SW as platted, needs be changed as it is likely the roadway will not connect to the existing Woodcrest Lane SW further to the north in Woodland Hills Subdivision.

RECOMMENDATION: Change Woodcrest Lane SW in this plat to **PONDEROSA PLACE SW**.

REQUEST FOR COUNCIL ACTION

239
MEETING
DATE: 10-06-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-13
ITEM DESCRIPTION: Final Plat #03-07 to be known as Stonehedge Estates Second, by Stonehedge Land Development, LLC. The Applicant is proposing to subdivide approximately 21.34 acres of land into 51 lots for single family development and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located north of East Circle Drive, east of the Northwood Hills Second Subdivision and allow for a connection to 35 th Street NE.		PREPARED BY: Theresa Fogarty, Planner

September 30, 2003

Planning Department Review:

See attached staff report dated September 30, 2003, recommending approval subject to the following conditions:

- Prior to recording, the final plat shall be revised, as follows:*
 - Change Stonepoint Drive NE to "Stone Point Drive NE" (two words).*
 - Label the roadway located between Blocks 1 & 2 as "Stone Point Drive NE".*
 - Change the roadway located between Blocks 2 & 3 labeled as Jasper Place NE to "Jasper Court NE".*
 - Label the roadway located between Blocks 6 & 7 as "Cameo Place NE".*
- A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 29, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
- The proposed stormwater system shall be reviewed by the MNDNR and TEP to determine if it will minimize future stormwater impacts to the calcareous fen/wetland.*
- A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment shall address the Owner's obligations regarding Transportation Improvement District (TID) charges, as well as, Stormwater Management, access and wetland issues.*
- A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.*
- Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roads within this property, including Outlots and within any required mid-block pedestrian connections.*
- Construction of a temporary turn-around is required on the temporary easement that has been dedicated at the northerly extent of Stone Point Drive NE.*
- Parkland dedication shall be met as outlined in the September 22, 2003 memorandum from the Rochester Park and Recreation Department.*

Council Action Needed:

- If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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STONEHEDGE ESTATES SECOND SUBDIVISION

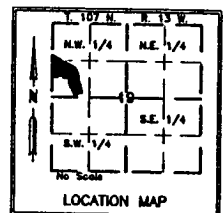


MONUMENTS

- Set 1/2" Rebar
 - Set 3/4" Iron Pipe
 - Found Monuments (Pgs. 104, 105)
- All monuments set have a plastic cap stamped L.S. 41887.

BEARINGS

Bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.



NUMBER	LENGTH	DELTA	RADIUS	CHORD	CHAZ
1	28.79	02°51'12"	1833.00	28.79	289°59'58"
2	89.18	02°38'54"	1833.00	89.18	287°49'51"
3	88.82	02°38'08"	1833.00	88.81	300°19'12"
4	24.38	00°43'25"	1833.00	24.38	301°58'57"
5	31.23	00°14'44"	217.00	31.30	118°14'17"
6	70.11	16°11'41"	283.00	68.83	301°12'45"
7	85.82	17°20'06"	283.00	85.30	318°58'38"
8	85.82	17°20'07"	283.00	85.30	334°18'48"
9	38.45	07°48'18"	283.00	38.42	348°58'27"
10	44.47	11°44'37"	212.00	44.38	148°00'58"
11	121.88	02°40'57"	1230.00	121.84	255°58'50"
12	118.18	02°50'10"	1170.00	118.12	258°13'00"
13	104.84	05°07'31"	1172.00	104.80	247°31'58"
14	86.78	04°30'55"	1228.00	86.75	247°48'20"
15	57.88	11°44'27"	283.00	57.88	185°05'52"
16	71.85	18°58'18"	217.00	71.51	341°28'57"
17	143.47	37°52'54"	212.00	140.87	312°03'22"
18	32.83	25°04'41"	75.00	32.57	181°34'26"
19	54.71	25°04'41"	125.00	54.28	181°34'26"
20	40.73	08°14'44"	283.00	40.88	118°14'17"
21	74.07	34°47'07"	132.00	72.94	108°23'48"
22	24.91	10°58'50"	138.00	23.88	184°30'38"
23	74.06	23°50'17"	178.00	73.53	201°54'12"
24	180.35	05°50'30"	1847.00	180.27	288°28'24"
25	15.83	17°33'08"	62.00	15.87	170°15'14"
26	22.40	28°40'51"	52.00	22.23	149°38'36"
27	28.89	48°17'38"	52.00	28.72	168°51'01"
28	23.53	58°58'51"	52.00	23.39	232°23'18"
29	56.74	58°54'24"	52.00	48.75	288°43'50"
30	87.73	74°37'38"	52.00	63.04	172°50'50"
31	8.04	08°51'31"	52.00	8.03	218°50'33"
32	26.94	28°41'00"	52.00	26.64	206°25'50"
33	11.39	12°32'58"	52.00	11.37	185°18'50"
A	210.84	06°21'29"	1800.00	210.73	118°10'54"
B	35.58	08°14'44"	250.00	35.35	118°14'17"
C	248.07	58°51'10"	250.00	238.02	142°37'38"
D	51.23	11°44'27"	250.00	51.14	182°00'52"
E	178.28	08°30'41"	1200.00	178.10	75°54'38"
F	140.01	06°41'08"	1200.00	138.83	248°18'48"
G	43.77	25°04'41"	100.00	43.42	181°34'35"
H	91.87	34°47'07"	150.00	88.67	198°25'48"

UTILITY EASEMENT DEFINED

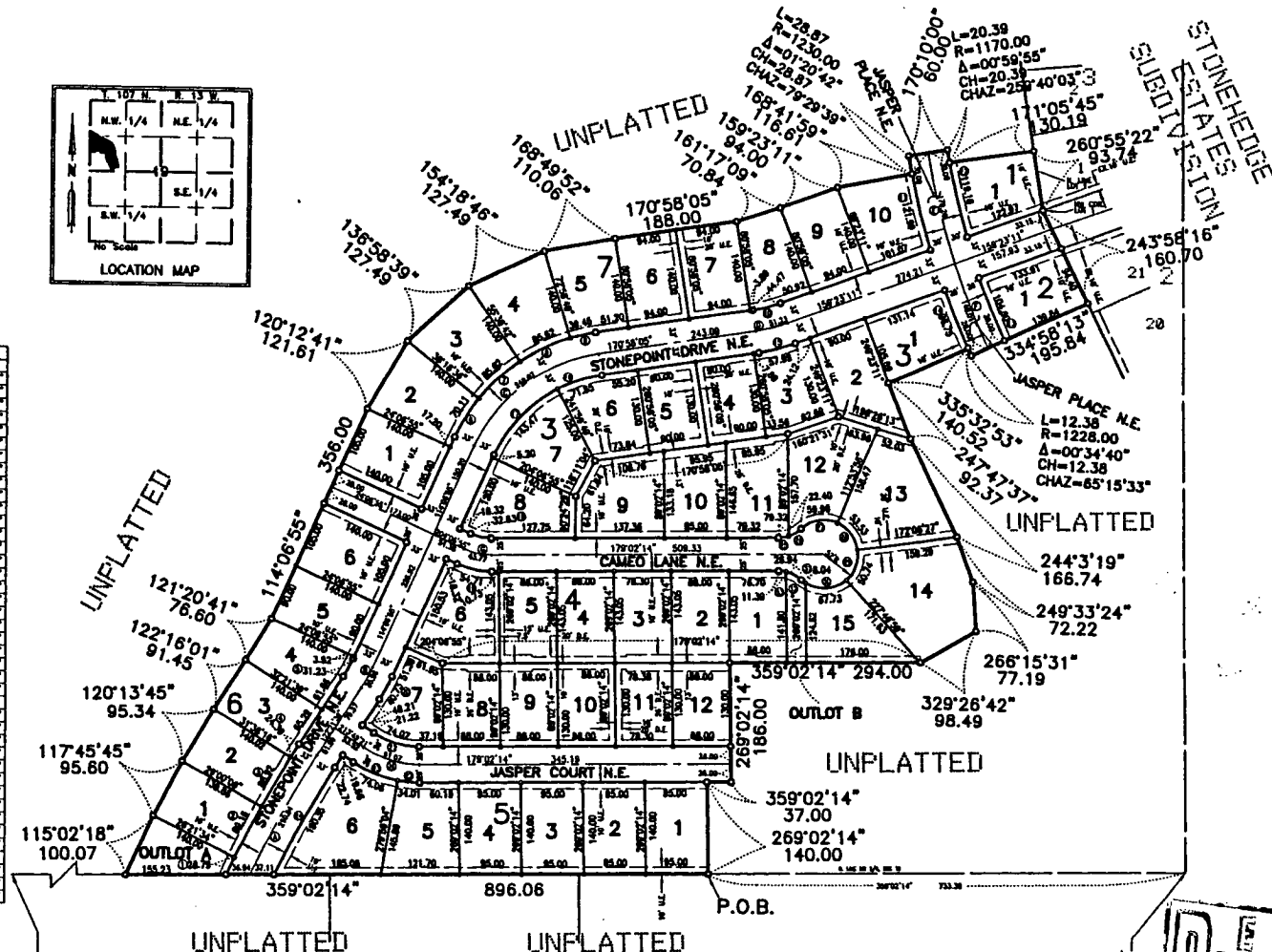
An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and fencing on said easement.

U.E. = UTILITY EASEMENT

DRAINAGE EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

D.E. = DRAINAGE EASEMENT



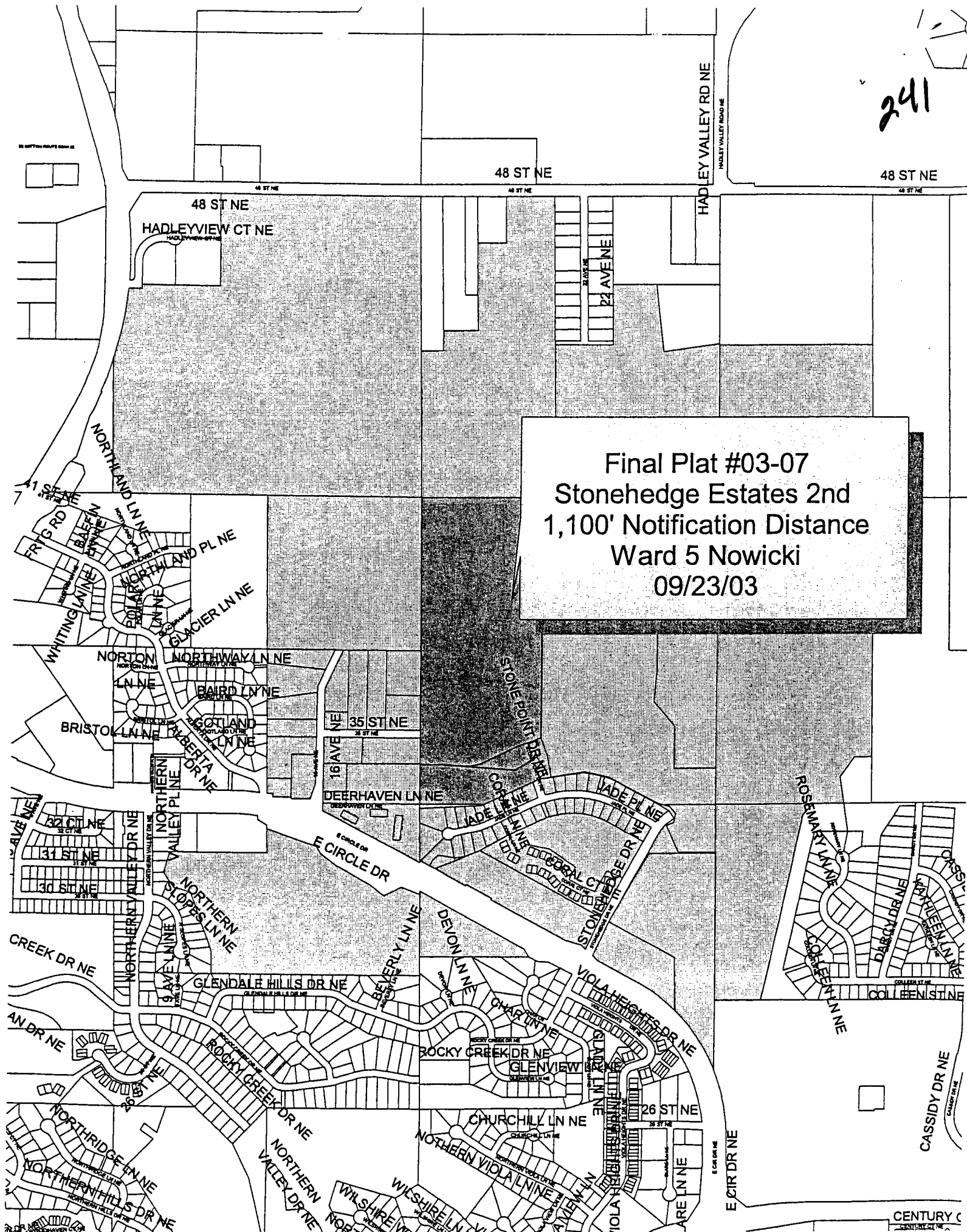
ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

212 THIRD AVENUE SUITE 1411
MINNEAPOLIS, MINNESOTA 55401
612.338.2000
FAX 612.338.0000
WWW.YAGGYCOLBY.COM



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Final Plat #03-07
Stonehedge Estates 2nd
1,100' Notification Distance
Ward 5 Nowicki
09/23/03





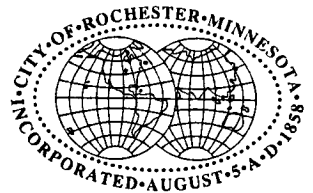
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: September 30, 2003

RE: Final Plat #03-07 to be known as Stonehedge Estates Second, by Stonehedge Land Development, LLC. The Applicant is proposing to subdivide approximately 21.34 acres of land into 51 lots for single family development and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located north of East Circle Drive, east of the Northwood Hills Second Subdivision and allow for a connection to 35th Street NE.

Planning Department Review:

Applicant/Owner: Stonehedge Land Development, Inc.
5 Kurths Bay Court
Zumbro Falls, MN 55991

Surveyors/Engineers: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments: Rochester Public Works Department
Rochester Park & Recreation Department
Planning Department – GIS Division
Planning Department – Wetland LGU Representative

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Referral Comments (4 letters)

Development Review:

Location of Property: The property is located north of East Circle Drive and east of the Northwoods Hills Second Subdivision.

Zoning: The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development: This development consists of approximately 21.34 acres of land to be subdivided into 51 lots for single family development and 2 outlot.



Roadways:

This plat proposes to dedicate right-of-way for the continuation of one roadway and five new roadways.

The first roadway labeled "Stonepoint Drive NE" is a continuation from the south and is designed with a 66' right-of-way. This roadway is illustrated incorrectly. Change Stonepoint Drive NE to "Stone Point Drive NE" (two words). The short stretch of roadway between Blocks 1 & 2 is missing the roadway designation. Label the portion of this roadway "Stone Point Drive NE". Construction of a temporary turn-around is required on the temporary easement that has been dedicated at the northerly extent of Stone Point Drive NE.

The second roadway labeled "Cameo Lane NE" and is designed with a 50' right-of-way, ending in a cul-de-sac with a 52' radius.

The third roadway labeled as "Jasper Court NE" is designed with a 56' right-of-way. This roadway allows for the future connection to 35th Street NE.

The fourth roadway labeled as "Jasper Place NE" is designed with a 60' right-of-way on the east side and a 56' right-of-way on the west of the intersection with Stonepoint Drive SE. The roadway running west from Stone Point Drive NE should be renamed to "Jasper Court NE".

The roadway located between Blocks 6 & 7 is missing the roadway designation. Label this roadway as "Cameo Place NE".

Pedestrian Facilities:

Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roads within this property, including Outlots and within any required mid-block pedestrian connections.

Drainage:

Grading and Drainage Plans have been approved by Rochester Public Works Department. Execution of an amendment to the Development Agreement is required prior to recording the final plat. The amendment will address the Owner's obligations regarding Transportation Improvement District (TID) charges, as well as, stormwater management, access and wetland issues.

A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.

Drainage (Continued):

Off-site drainage and utility easements have been executed for this development.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. A Wetland Delineation has been carried out for the property and is on file with the Planning Department. This plat does not include the wetland are previously delineated. The proposed stormwater system will need to be reviewed by the MNDNR and TEP to determine if it will minimize future stormwater impacts to the calcareous fen/wetland.

Public Utilities:

Final utility plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 62 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The Rochester Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication of Outlot K Stonehedge 2nd preliminary plat to occur at a future date. In addition to the dedication required of this plat, the applicant has deferred dedication of: Stonehedge 1st – 1.05 acres and Stonehedge Townhomes – 1.81 acres. Deeding of the deferred land dedication to occur when the park is accessed via public street or the City wishes to begin development of the site.

General Development Plan:

This property is included within the approved amended General Development Plan (GDP) known as Stonehedge Estates.

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the Council on April 7, 2003. The approval of the preliminary plat was subject to ten (10) conditions: The conditions are listed below:

1. The Final Plat shall include:

- *Re-routing of watermain and additional easements as required by RPU Water;*
- *Roadway names, approved by the Planning Department Addressing staff;*
- *Dedication of access control along the frontage of East Circle Drive (CSAH 2);*

2. Approval of this Land Subdivision Permit shall allow for phasing of Final Plats through 2009. Phasing of Final Plats shall be modified to meet requirements of Section 64.127 of the LDM.

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3. ***Pond access shall be provided from the west, since crossing the Wetland will not likely be permitted. Access must be provided prior to, or concurrent with, dedicating the future public open space and pond to the City.***
4. ***Parkland dedication for this subdivision shall be met via dedication of Outlot K, with the balance due (if any) to be in the form of cash in lieu of land, subject to meeting the slope and turf requirements as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation. Deeding of the Outlot is to occur when the park is accessed via public street or the City wishes to begin development of the site.***
5. ***Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording the Final Plat for Phase III.***
6. ***A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.***
7. ***Dedication of off-site drainage and utility easements is required prior to recording the Final Plat for this development.***
8. ***Pedestrian facilities will be required along both sides of all new public roads within this property, including adjacent to Outlots. In addition, the Owner is obligated to construct/pay for the construction of/ a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive, including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.***
9. ***Design of roadways shall be modified per February 28, 2003 comments from Rochester Public Works.***
10. ***If portions of this Plat are not serviceable with gravity flow sanitary sewer, those portions shall not proceed with Final Plat until gravity flow sanitary sewer is available, or the City approves the use of a private lift station.***

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

1. ***Prior to recording, the final plat shall be revised, as follows:***
 - a. ***Change Stonepoint Drive NE to "Stone Point Drive NE" (two words).***
 - b. ***Label the roadway located between Blocks 1 & 2 as "Stone Point Drive NE".***
 - c. ***Change the roadway located between Blocks 2 & 3 labeled as Jasper Place NE to "Jasper Court NE".***
 - d. ***Label the roadway located between Blocks 6 & 7 as "Cameo Place NE".***

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2. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the September 29, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***
3. ***The proposed stormwater system shall be reviewed by the MNDNR and TEP to determine if it will minimize future stormwater impacts to the calcareous fen/wetland.***
4. ***A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment shall address the Owner's obligations regarding Transportation Improvement District (TID) charges, as well as, Stormwater Management, access and wetland issues.***
5. ***A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.***
6. ***Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roads within this property, including Outlots and within any required mid-block pedestrian connections.***
7. ***Construction of a temporary turn-around is required on the temporary easement that has been dedicated at the northerly extent of Stone Point Drive NE.***
8. ***Parkland dedication shall be met as outlined in the September 22, 2003 memorandum from the Rochester Park and Recreation Department.***

REMINDER TO APPLICANT:

- ***Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.***

ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 9/29/03

The Department of Public Works has reviewed the application for Final Plat #03-07 for Stonehedge Estates Second Subdivision . The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment will address the Owner's obligations regarding Transportation Improvement District (TID) charges, as well as, stormwater management, access, and wetland issues.
2. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.
3. Off-site drainage & utility easements have been executed for this development.
4. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, including Outlots and within any required mid-block pedestrian connections.
5. A City-Owner Contract has been prepared for this development, and execution is required prior to construction of public infrastructure.
6. Construction of a temporary turn-around is required on the temporary easement that has been dedicated at the northerly extent of Stonepoint Dr NE.

Development charges and fees applicable to the development of this property are addressed in the Development Agreement and City-Owner Contract with the exception of:

- ❖ Traffic Signs as determined by the City Engineer.
- ❖ TID Charges for 35th St NE & 16th Ave NE – To Be Determined in the Amended Development Agreement

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: September 22, 2003

TO: Jennifer Garness
Planning

RE: Stonehedge Est 2nd
Final Plat # 03-07

Acreage of plat.....	21.34 a
Number of dwelling units.....	51 units
Dedication	1.24 a
Fair market value of land.....	na

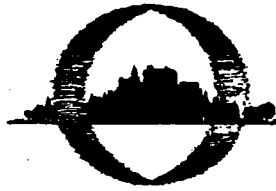
* based on maximum number of units allowed in R-1X. Exact dedication to be recalculated when site plans are submitted for R-1X areas

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication of Outlot K Stonehedge 2nd preliminary plat to occur at a future date. In addition to the dedication required of this plat, the applicant has deferred dedication of:

Stonehedge 1 st	1.05 a
Stonehedge Townhomes	1.81 a

Deeding of the deferred land dedication to occur when the park is accessed via public street or the City wishes to begin development of the site.

SEP 25



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

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PLAT REFERRAL RESPONSE

DATE: September 29, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Peter Oetliker

**RE: STONEHEDGE ESTATES SECOND SUBDIVISION
FINAL PLAT # 03-07**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$1020.00 (51 LOTS/ADDRESSES)

GIS IMPACT FEE: \$465.00 (53 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Stonepoint Drive as illustrated on Final Plat is incorrect. This roadway name was two words when platted in Stonehedge Estates.

RECOMMENDATION: Change Stonepoint Drive NE to **STONE POINT DRIVE NE**. (Two Words)

2. Short stretch of roadway between Blocks one and two is missing the roadway designation.

RECOMMENDATION: Label roadway as **STONE POINT DRIVE NE**.

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3. Jasper Place NE illustrated between blocks two and three running west from Stone Point Drive NE has an incorrect roadway type.

RECOMMENDATION: Roadway should be **JASPER COURT NE**.

4. Short stretch of roadway running northeast from Stone Point Drive NE between blocks Six and Seven is missing its designation.

RECOMMENDATION: Add roadway designation of **CAMEO PLACE NE**.

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: FP #03-07 Stonehedge Estates Second Subdivision

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

This plat does not include the wetland area previously delineated. The proposed stormwater system will need to be reviewed by the MNDNR and TEP to determine if it will minimize future stormwater impacts to the calcareous fen/wetland.

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

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AGENDA SECTION: Public Hearings	ORIGINATING DEPT: City Administrator	ITEM NO. E-14
ITEM DESCRIPTION 2004 Community Development Block Grant Appropriation		PREPARED BY: T. Spaeth

Attached for your information is a copy of the tabulation of the individual Councilmember appropriation forms. It has been the past practice of the Council to fund those projects which received four (4) or more votes. The total 2004 CDBG award is estimated at \$680,000.

On the attached tabulation form there is a column entitled "Four or more votes rounded". In this column, I have rounded to the nearest hundred, the average amount based on the individual appropriation of Council members. These appropriations totaled \$324,200.

The following is a summary of the recommended appropriations receiving four or more votes from Council members:

Public Service Requests

Aldrich Memorial Nursery School	\$2,600
Channel One, Inc.	\$4,600
Child Care Resources & Referral	\$20,400
Senior Citizens Services, Inc.	\$56,500

Barrier Removal / Rehab / Acquisition / Public Facilities

Hiawatha Homes Foundation	\$1,700
SEMCIL	\$25,100
Ability Building Center	\$39,100
Bear Creek Services Foundation	\$13,000
OCHRA (Flood Home Rehab)	\$44,300
Senior Citizens Services, Inc.	\$31,900
Zumbro Valley mental Health Center, Inc.	\$36,400
City of Rochester Park & Rec.	\$48,600
TOTAL	\$324,200

There is \$20,800 remaining to be appropriated. Staff suggests that this amount be placed in the CDBG Contingency account at this time..

These appropriations are in addition to the \$250,000 in the City's Single Family Rehab Program, \$50,000 for the First Homes program and \$35,000 for CDBG program administration.

COUNCIL ACTION REQUESTED:

Approve of the 2004 CDBG appropriations as described above.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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2004 CDBG APPROPRIATION WORKSHEET

	REQUESTED	HUNZIKER	HANSON	MARCOUX	MC CONNELL	STOBAUGH	NOWICKI	MEANS	TOTAL	DIVIDED BY 7	VOTES	4 OR MORE VOTES ROUNDED
PUBLIC SERVICE REQUESTS												
Aldrich Memorial Nursery School	\$7,000	\$5,000		\$5,000	\$5,000			\$3,000	\$18,000	\$2,571.43	4	\$2,600
Alternative Dispute Resolution (ADR)	\$24,000				\$5,000				\$5,000		1	
ARC SE Minnesota	\$19,000				\$5,000				\$5,000		1	
Boys & Girls Club of Rochester	\$14,000			\$7,000	\$5,000				\$12,000		2	
Channel One, Inc.	\$5,000	\$8,000		\$5,000	\$5,000		\$8,000	\$6,000	\$32,000	\$4,571.43	5	\$4,600
Child Care Resource & Referral (CCRR)	\$60,000	20,000	\$27,000	\$25,000	\$15,000	\$26,000	\$20,000	\$10,000	\$143,000	\$20,428.57	7	\$20,400
FACES	\$15,000	\$13,000			\$7,000				\$20,000		2	
Possibilities of Southern Minnesota	\$5,000						\$5,000	\$3,000	\$8,000		2	
Rochester Area Disabled Athletics & Recreations (RADAR)	\$6,500			\$5,000		\$6,000	\$6,500		\$17,500		3	
Samaritan Bethany Services, Inc.	\$42,800	\$23,000			\$15,000			\$20,000	\$58,000		3	
Senior Citizens Services, Inc.	\$123,000	\$33,000	\$75,000	\$55,000	\$40,000	\$70,000	\$62,500	\$60,000	\$395,500	\$56,500.00	7	\$56,500
Y Mentors Program	\$10,000								\$0			
BARRIER REMOVAL/REHAB/ACQ/ECONOMIC DEV./ADMIN.									\$0			
									\$0			
									\$0			
Hiawatha Homes Foundation, Inc.	\$2,000	\$2,000		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$12,000	\$1,714.29	6	\$1,700
Southeastern Minnesota Center for Independent Living (SEMCIL)	\$30,000	\$12,000	\$30,000	\$30,000	\$20,000	\$25,000	\$30,000	\$28,500	\$175,500	\$25,071.43	7	\$25,100
Ability Building Center	\$49,500	\$42,000	\$49,500	\$49,000	\$35,000	\$49,500	\$24,000	\$25,000	\$274,000	\$39,142.86	7	\$39,100
Bear Creek Services Foundation	\$15,500	\$15,000	\$15,650	\$15,000	\$10,000	\$15,650	\$12,000	\$8,000	\$91,300	\$13,042.86	7	\$13,000
Olmsted County HRA	\$100,000	\$50,000	\$20,410		\$86,000	\$23,410	\$50,000	\$80,000	\$309,820	\$44,260.00	6	\$44,300
Senior Citizens Services, Inc.	\$35,000	\$35,000	\$35,000	\$35,000	\$25,000	\$35,000	\$35,000	\$23,500	\$223,500	\$31,928.57	7	\$31,900
Zumbro Valley Mental Health Center, Inc.	\$42,440	\$37,000	\$42,440	\$42,000	\$25,000	\$42,440	\$40,000	\$26,000	\$254,880	\$36,411.43	7	\$36,400
City of Rochester Park & Recreation Dept.	\$50,000	\$50,000	\$50,000	\$50,000	\$40,000	\$50,000	\$50,000	\$50,000	\$340,000	\$48,571.43	7	\$48,600
									\$0			
TOTALS	659,290	345,000	345,000	325,000	345,000	345,000	345,000	345,000	\$2,395,000		ROUNDED TOTAL	\$324,200

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 10/6/03

AGENDA SECTION: Reports & Recommendations	ORIGINATING DEPT: City Administration	ITEM NO. F-1
DESCRIPTION Consideration of ALLCO Leaseback proposal		PREPARED BY: T. Spaeth

At the September 22, 2003 COW meeting, the Council discussed and came to consensus that the City should proceed with the Letter of Agreement to commence the next phase of the proposal with ALLCO Finance Corporation. ALLCO has been working with the League of Minnesota Cities to develop a long term lease / leaseback proposal of a defined set of assets such as wastewater facilities that are owned by the municipality.

Upon acceptance of a Letter of Agreement, ALLCO will begin the process of arranging the transaction, with acceptable terms to the City. In its role as arranger of the Transaction, ALLCO shall, at its sole expense:

1. Engage expert appraisers to establish a fair market value of the Assets.
2. Engage engineering experts as necessary to perform due diligence tasks and support
3. Pay the cost of nationally recognized bond counsel.
4. Reimburse the City for the reasonable costs with respect to the Transaction, of the City's outside attorney.
5. Assist the City in identifying the potential benefits of the Transaction.
6. Assist the City in structuring the Transaction.
7. Prepare offering materials, and market the Transaction to the investment community.
8. Solicit interest from equity investors to participate in the Transaction.
9. Assist in the preparation of all Transaction documents.
10. Assist in the closing and funding of the Transaction.

Upon execution of a Letter of Agreement, ALLCO will make a good faith effort to have the appraisal process completed within 6 months, and then proceed to market the Transaction to potential investors. In consideration of the services cited above, the City will grant ALLCO the exclusive right to arrange a Transaction for the City for a period of 24 consecutive months commencing on the date of acceptance of this Letter of Agreement.

It is the staff's recommendation that the ALLCO exclusive right term be limited to a period of 18 consecutive months, rather than the 24 months as contained in the letter of Agreement, and that the City also reserves the right to discuss with ALLC whether it is in the City's best interest to aggregated with other communities or listed as a separate offering.

Execution of a Letter of Agreement with ALLCO does not commit the City to approving a Transaction. The City's ultimate decision as to whether to enter into a Transaction arranged by ALLCO is specifically contingent upon: 1) ALLCO delivering to the City a Transaction with terms and conditions deemed appropriate and acceptable to the City; 2) the negotiation of documentation acceptable to the City; and 3) the receipt of all necessary City approvals.

Council Action Requested:

Authorize Mayor and City Clerk to execute the Letter of Agreement with ALLCO on behalf of the City.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

LEASE OF CITY WATER AND WASTEWATER SYSTEMS

The Rochester City Council is considering action on an initial step on a proposal under which it would lease the City's water and wastewater systems to large investors who wish to obtain the depreciation tax credits. The City would lease back those systems and it would continue to own and operate the systems. There would be no impact on the daily operations for the customers. The only change relates to the sale of the depreciation tax credits, which city utilities do not benefit from. This proposal is not arising as a result of the current operating budget reductions of the City. The Minnesota League of Cities endorsed and brought this proposal to a group of the largest cities in Minnesota this summer unrelated to operating budget concerns. Many of those cities are currently considering this proposal.

The investors would pay for an appraisal of the City water and wastewater systems. They would pay the City 100% of the appraised value and the City would deposit approximately 97% of that amount as its cost to lease back and re-acquire the full rights to the utilities after 30 years. The remaining 3% is the profit to the City, its citizens, and ratepayers. We anticipate that the appraised value may be between \$200 million to \$400 million, netting a profit at 3% of \$6 million to \$12 million. That profit would help reduce future water and wastewater rate increases for new utility improvements that need to be made over the next 10 years.

The City officials had many questions about this proposal. The answers have allayed our initial skepticism. Lease proposals for depreciation tax credits have been done many times for the major transit systems in the larger US cities and in Europe. In addition, the largest cities in South Dakota are currently out for bids for a lease of their water and wastewater systems. These are allowed transactions under IRS regulations. The investors assume all the risk for any changes in federal tax law. We also requested that the League of Cities review this proposal with the State Finance Commissioner and other leaders of the Legislature. To date no concerns have been expressed.

The City may take an initial step to authorize the appraisal and will be doing more study on the proposal. A final decision will not be made until more information is available some months from now.



Letter of Agreement

September 16, 2003

Mr. Gary Neumann
Assistant City Administrator
City of Rochester
201 4th Street SE
Rochester, Minnesota 55904

Re: Long-term lease/leaseback proposal

Dear Mr. Neumann:

Over the past several months, Allco Finance Corporation (hereinafter "Allco") has been working with the League of Minnesota Cities (hereinafter "LMC") to develop a **'long-term lease/leaseback financing program'** (defined as the lease/leaseback of a defined set of Assets in a single closing or multiple closings, hereinafter "Transaction") for Minnesota cities. We have specifically focused on wastewater and drinking water system assets (hereinafter "Assets") owned and operated by Minnesota municipalities.

In our investigation, we have retained the counsel of Dorsey & Whitney LLP to assist in the investigation of the legal, regulatory and tax implications of the Transaction from a city perspective. In summary, Dorsey & Whitney has concluded, that if properly structured, including certain approvals at the State and Federal level, a Transaction as contemplated could be executed.

Allco is now prepared to commence the next phase of the process. Upon acceptance of this Letter of Agreement, Allco will begin the process of arranging the Transaction, with the goal of delivering a Transaction with acceptable terms and conditions to the city.

The city's ultimate decision as to whether to enter into a Transaction arranged by Allco is specifically contingent upon: 1) Allco delivering to the city a Transaction with terms and conditions deemed appropriate and acceptable to the city; 2) the negotiation of documentation acceptable to the city; and 3) the receipt of all necessary city approvals.

In its role as arranger of the Transaction, Allco shall, at its sole expense:

1. Engage expert appraisers to establish a fair market valuation of the Assets.
2. Engage engineering experts as necessary to perform due diligence tasks and



support.

3. Pay the cost of "nationally recognized bond counsel " (hereinafter "Joint City Bond Counsel"), retained by participating cities to lead negotiations on behalf of participating cities. The Joint City Bond Counsel will represent the participating cities and report to the cities' Utility Directors, Finance Officers, and City Attorneys. The role of the Joint City Bond Counsel will include the responsibility to review and comment on, and assist in the negotiation of, the Transaction documentation; provide general guidance to the cities as to the impact of the Transaction on outstanding tax-exempt bonds and flexibility to issue new bonds, and advise as to compliance with Minnesota law authorizing the execution and delivery of the Transaction documents.

It is acknowledged that Allco agrees to underwrite the expenses associated with the Joint City Bond Counsel (whether or not a Transaction is consummated), provided that the Participants each agree work exclusively with Allco, and participate with other cities contemplated in the Transaction, in the selection of no more than four acceptable bond counsel firms provided that the bond counsel firms agree to work cooperatively and in an effort to minimize redundant expenses. Allco, after consultation with the LMC, shall have the exclusive right to determine that any bond counsel is not working cooperatively and in an effort to minimize expenses and, accordingly, Allco may discontinue compensation, in whole or in part, of such bond counsel firm's future fees. Allco's financial responsibility for said legal expenses will not extend beyond payment of fees of the Joint City Bond Counsel related specifically to the Transaction.

4. Reimburse the city for the reasonable costs, with respect to the Transaction, of the city's outside city attorney, if any, whether or not a Transaction is consummated. The city will provide Allco with a billing statement on a monthly basis. Allco, upon receipt of the billing statement, will send payment to the city within thirty (30) days.
5. Assist the city in identifying the potential benefits of the Transaction.
6. Assist the city in structuring the Transaction.
7. Prepare offering materials, and market the Transaction to the investment community.
8. Solicit interest from equity investors to participate in the proposed Transaction and inform city of the status of the solicitation on a periodic basis.
9. Assist in the preparation of all Transaction documents.



10. Assist in the closing and funding of the Transaction.

Once all the cities participating in a Transaction have executed this Letter of Agreement, Allco will make a good faith effort to have the appraisal process completed within six (6) months. Upon completion of the appraisal process, Allco will immediately thereafter market the Transaction to the equity investor community. Once bids have been submitted, Allco will immediately thereafter commence with the Transaction documentation. All Transaction costs will be paid either by Allco or by the equity investor and such costs will be disclosed to both the city and the LMC.

In consideration of the services cited above, the city grants Allco the exclusive right to arrange a Transaction for the city's Assets for a period of twenty-four (24) consecutive months commencing on the date of acceptance and agreement of this letter, or until the contemplated Transaction has closed.

If one party to this Letter of Agreement fails to meet its obligations, in any material respect, the other party may choose to terminate this Letter of Agreement. It is agreed that upon any such termination, the financial obligations established under this Letter of Agreement shall continue until satisfied in accordance with this Letter of Agreement.

If this proposal is acceptable to you, please sign and return a copy of this letter to us.

If you have any questions, please do not hesitate to call.



[Signature page to the Letter of Agreement
between Allco Finance Corporation and the City of Rochester, Minnesota]

Sincerely,

ALLCO FINANCE CORPORATION

By: Scott Smith
Its President

ACCEPTED BY:

City of Rochester, Minnesota

Date _____, 2003

By: _____
Its Mayor

By: _____
Its City Administrator

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 10/6/03

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AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TLA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Annexing To The City of Rochester Approximately 35.97 Acres of Land Located In the Southwest Quarter of The Southwest Quarter Of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota. Said property is located on the North side of 55th Street NW along the East side of 60th Avenue NW.</p> <p>b) An Ordinance Creating and Enacting Chapter 77A To The Rochester Code of Ordinances, Relating To The Establishment Of A Storm Water Utility.</p> <p>G. 4. MISCELLANEOUS</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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TO: Terry Adkins
FROM: Barb Huberty,
Environmental and Regulatory Affairs Coordinator
DATE: October 1, 2003
SUBJECT: STORM WATER UTILITY ORDINANCE AMENDMENTS

Based on input received during the September 3rd Public Hearing on the proposed Storm Water Utility Ordinance (R.C.O. §77A) and research conducted since that date, the following amendments are needed.

1. The definition for Non-Residential needs to be modified so that townhouse owners are not double billed for their residential property and their commonly-owned outlots. The definition should be modified as follows:

77A.03, Subd. 11. The term "Non-Residential" shall mean a Utility customer class that refers to all parcels other than exempt ~~Undeveloped parcels and~~ Residential parcels including their commonly owned areas. ~~and townhouse development common areas.~~

2. Ch. 77A.04 establishes the Utility and the Fund into which revenues will be deposited. Subdivision 2 is being amended to clarify that grading plan and permit fees will be deposited in the Fund. Grading plan review and approval is a function of the Public Works Department and is a Best Management Practice identified in the Council-approved Storm Water Pollution Prevention Program that we must comply with as part of the Phase II Storm Water Permit. The revision should read as follows:

Subd. 2. All Fees and Charges, along with grants, grading plan and permit fees, other permit or inspection fees, interest earnings, and other revenues collected for the Utility, shall be deposited in the Fund. The Council may make additional appropriations to the Fund. All disbursements from the Fund shall be for the purposes set forth in section 77A.11.

3. Ch. 77A.05 sets the rate structure for the Utility. Subdivision 4 identifies the options the Council has for revising the Storm Water Unit Rate. Item C provides for automatic adjustment of the unit rate based on the change in the Construction Cost Index. This is being revised from an August to a November adjustment to accommodate the calendar year budget cycle. The change should read as follows:

The storm water unit rate and the Plan rate shall be adjusted automatically on November ~~August~~-1st of each year based on the change in the Construction Cost Index as measured in the Minneapolis/St. Paul area during the preceding twelve-month period and as published in Engineering News Record.

Keeping it Clean



As our community grows,
so must its commitment to
protecting and improving

the quality of our water resources. Assets such as Silver Lake and the Zumbro River help make Rochester one of the nation's most livable communities. Keeping our water resources clean and usable is in everyone's interest.

StormWater
MANAGEMENT

Memo

To: Mayor and City Council
From: Gary Neumann *G. N.*
Date: September 23, 2003
Re: Stormwater Management Ordinance

There is an exemption in the ordinance for "public transportation streets, roads, highways, trails, bike paths and their rights of way, due to general public benefit". The Airport Administration has pointed out that there is a similar public benefit from the public transportation facilities at the airport. They have suggested that this section of the ordinance be revised as follows:

"B. Public transportation streets, roads, highways, bike paths, airport runways and taxiways, aircraft parking areas, and their rights of way, due to general public benefit."

This office is in support of this change.

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